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LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES
OF THE
NINTH SESSION

Held at Geneva from June 8th to 25th, 1926

including the
REPORT OF THE COMMISSION TO THE COUNCIL

/...

TWENTY-SECOND MEETING
Held on Tuesday, June 22nd, 1926, at 10.30 a.m.
Chairman: The Marquis THEODOLI.

Present: All the members of the Commission.

589. **Palestine and Transjordan: Examination of the Annual Report for 1925.**

Lieut.-Colonel G. S. Symes, Chief Secretary of the Administration, came to the table of the Commission.

The CHAIRMAN expressed the thanks of the Commission to the British Government for having appointed Colonel Symes to represent it before the Commission. He suggested that the Commission should discuss the report immediately, dealing at the same time with the four petitions, for which M. Palacios, Mrs. Wicksell, M. Freire d'Andrade and M. Yamanaka were the Rapporteurs. In this way, the members of the Commission would be able to ask the accredited representative any questions they desired referring to those petitions.

The procedure proposed by the Chairman was adopted.

The CHAIRMAN said that the report, which had arrived late owing to a strike, was of great interest and contained much valuable information. It was an improvement on that furnished last year, for it contained a number of interesting details regarding the general policy of the mandatory Power.

He noted that the promised maps showing the frontier line between Palestine and Transjordan had not yet arrived. Good maps were essential if the Commission were to obtain a clear idea on this point.

He would also refer to the agreement concerning the frontier between Transjordan and Nejd, recently concluded at Hadda, which had not yet reached the Commission.

Colonel SYMES replied that the maps would be sent, if they were not already on the way, and that the Hadda agreement had been published and was about to be registered with the League of Nations. Copies of it would be available.

Relations between the Administration, the Jewish Agency and the Waad Leumi; and the Question of Religious Minorities.

M. FREIRE D'ANDRADE said that, by the terms of Article 4 of the mandate, "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine..." That agency had submitted a memorandum to the Permanent Mandates Commission, and a memorandum had also been received from the Jewish National Council, the Waad Leumi. The Jewish Agency was, by the terms of the mandate, to be regarded as the official organisation to be consulted by the mandatory Power. The Waad Leumi stated, on the other hand, that it had been officially recognised by the mandatory Power on October 24th, 1920. If this were so, M. Freire d'Andrade would like to know: (1) what were the duties of these two organisations; (2) whether they were both consulted by the mandatory Power; (3) if in the affirmative, whether the advice given was on occasion contradictory, and, if so, what policy was adopted by the mandatory Power. He noted that the Jewish Agency was not elected, but that the Waad Leumi was elected by the Jewish community.

Colonel SYMES replied that the Agency, which was the Zionist Organisation, was officially recognised by the Mandatory as representative of all Jewry in relation to the Jewish National Home. The Waad Leumi had not in actual fact received formal recognition, for it did not yet possess any statutory authority. It represented, however, the Jewish community in Palestine and it was officially recognised to be its mouthpiece. The difference between the Zionist Organisation and the Waad Leumi was that the former represented the interests of Jewry throughout the world, while the latter represented the Jewish community in Palestine in the same way as, in religious affairs, the Supreme Moslem Council represented the Moslems. The Waad Leumi represented the views of the great majority of Jews in Palestine, and when the Regulation governing the Jewish community was promulgated, provision would be made for

any Jews not desirous of being represented by the Waad Leumi to stand aloof if they wanted to do so.

The Waad Leumi represented the very large majority of Jews in the secular sense; in matters of conscience, however, there was a minority which did not desire to be represented
by the Waad Leumi.

M. VAN REES quoted the official letter from the British Government, dated June 16th, 1926, forwarding a copy of a message sent from the Secretary of the Jerusalem centre of the Agudath Israel, to the effect that the Jewish National Council's delegation had no right to speak for Palestine Orthodox Jewry, who for religious reasons had not participated in the elections of the Assembly and the National Council, and who did not recognise their authority, as was shown by a protest submitted to the Palestine Government and signed by 7,000 male heads of families. M. Van Rees asked if there was any foundation for this protest.

Colonel SYMES replied that, in order to understand the position, it was necessary to define the orthodox Jewish communities in Palestine. The great majority of Jews in Palestine were Zionist and members of the community which elected the Waad Leumi; there was, however, a small section of what might be described as super-orthodox Jews, who were very active in sending petitions and who did not recognise the Waad Leumi to be in any way the representative of their views. The Waad Leumi certainly could not claim to represent the views of this minority. The National Council probably desired to represent all Jews in secular matters, but provisions existed in the draft Regulation for the Jewish community which would prevent a minority being compelled to submit to the authority of the National Council in matters of conscience.

M. RAPPARD pointed out that the Commission was obviously not in a position to judge degrees of Jewish orthodoxy. He desired, however, to know the relative importance of the two parties. It appeared that 7,000 male heads of families had signed the protest referred to by M. Van Rees. This would seem to indicate that the minority in question would number about 35,000 persons. Elsewhere he had noticed other and much lower estimates. Did this minority possess any form of representation, for, if this estimate were correct, their numbers would appear to be considerable.

Colonel SYMES replied that the Zionists were possibly inclined to minimise the number of this minority of ultra-orthodox Jews, and the minority itself to magnify it. He thought that the actual number in Palestine was much nearer 3,000 than 35,000 but no exact figures were in the possession of the Administration.

The CHAIRMAN noted that the accredited representative had compared the Waad Leumi in certain aspects to the Supreme Moslem Council. Had the mandatory Power taken any steps to provide for a similar representation for the other religious communities such as the Catholic, Orthodox, Maronite, etc.?

Colonel SYMES replied that in Palestine the question of local government was complicated by the extreme diversity of the population and by strong sectarian feeling. Municipal institutions could not conveniently undertake the local services which were habitually rendered by such bodies in a modern and homogeneous State. For example, local Government services connected with

hospitalisation, poor relief, orphanages, burials in certain districts, the slaughter of animals, and to some extent education, could not be dealt with by municipal organisations, as the term was understood in Europe, for the performance of such services by a single organisation in a town where the population was of several creeds would mean constant conflict. It was therefore indispensable to retain and encourage communal organs for the rendering of what might be called "cultural" services of local government.

After five years' examination of the problem, the Government had reached this conclusion and believed that, by making a satisfactory provision for the rendering of cultural services, practical association between the various communities in respect of other services, which could be described as municipal services proper, would be facilitated.

The CHAIRMAN enquired whether the various religious faiths were treated on an equal footing. The organisations in the Jewish community to which Colonel Symes had referred dealt with all kinds of business. Were they supplementary to the Zionist Organisation as regards the Jews? Had the communities of other faiths been treated in the way described by Colonel Symes?

Colonel SYMES said that sectarian or communal organisations were woven into the fibre of Palestine life, and existed long before the arrival of the mandatory Power.

The efforts of the Administration were directed toward promoting all useful existing organisations. The Christian sects were already to a great extent organised, largely under missionary and ecclesiastical influence. The Moslems, who formed the great majority of the population, were far less organised than the others, the reason being that, forming, as they had done, the great majority under Turkish rule, they had relied on official support and direction, and had not realised the benefit of communal organisation.

The first step taken by the Administration had been in 1921, when the Supreme Moslem Council had been established. It took charge of all Moslem religious affairs, managed the funds of pious endowments, and used any money available from communal sources for expenditure on Moslem education. The Supreme Moslem Council had now been at work for some four years, and had rendered services. It marked a definite step forward in the direction indicated by the Chairman.

The Regulation for the Jewish community, which would be presented at a later stage to the Commission, marked a still more ambitious effort on the part of the Administration to deal with the problem of communal organisation.

Finally, he would point out that, whilst the regulations for each community must necessarily vary according to the needs and circumstances of that community, there was no intention on the part of the Administration to introduce into the Regulation for the Jewish community any provision which could not be applied to another community if it were found desirable.

The CHAIRMAN enquired whether the Administration consulted the various organisations before promulgating regulations, for instance, in respect of the vexed question of cemeteries. Did persons who had independent views or grievances against their communal organisations approach the Government with the object of giving their views and if so, in what manner?

Colonel SYMES said that the Administration, when preparing regulations, invariably consulted any organisation or association which might be available and which might be affected by those regulations.

The position was more delicate with regard to the manner in which private persons approached the Government on communal affairs. On the one hand, the Administration did not wish to undermine the authority of existing organisations, but on the other hand, it desired to prevent tyranny and abuses. It therefore preferred that private persons should appeal to the Government through their own organisations. They had, however, the right to appeal directly to the Government if they were dissatisfied with their own organisation, and the matter was usually settled amicably between the person concerned and the organisation, with the Government as arbiter.

M. FREIRE D'ANDRADE desired to know the exact position of the Jewish minority who did not desire to be represented by the Waad Leumi. Article 4 of the mandate laid down that the Zionist Organisation, so long as its organisation and constitution were, in the opinion of the Mandatory, appropriate, should take steps, in consultation with the Government of the Power in question, to secure the co-operation of all Jews willing to assist in the establishment of the Jewish National Home. On the one hand, therefore, there was the Zionist Organisation and the Waad Leumi, which laid down certain principles concerning the foundation of the Jewish National Home, and on the other, a minority who disagreed with those principles. To what extent had the opinion of the minority been taken into account? From the point of view of the mandate, could that minority really be regarded as belonging to the Jewish National Home?

Colonel SYMES said that the answer to this question would be clearer when the exact terms of the Regulation for the Jewish community was before the Commission. The text of the Regulation was still under consideration in Palestine and would probably arrive in time for next year's session. The function of the Zionist Organisation was mainly political, whereas the Waad Leumi was the voluntary expression on the part of the majority of the Jews in Palestine of their desire to administer their local affairs. Anyone who disagreed with the Waad Leumi could remain outside the community it represented though, if he did so, he still remained a Jew and a Palestine citizen.

M. FREIRE D'ANDRADE pointed out that the only duty of the mandatory Power was to ensure complete freedom of conscience. The Zionist Organisation and the Waad Leumi dealt with political, administrative and religious matters. He desired, however, the question of principle to be made quite clear. The duties of the mandatory Power with regard to religion were those contained in Article 15 of the Mandate, by the terms of which "the Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all". Those Jews, therefore, who did not agree with the Zionist Organisation and the Waad Leumi, while still remaining Jews, did not remain, in a sense, part of the population, for they were no longer members of the Jewish National Home. They could, however, complain, like everybody else, of the political or administrative actions of the Zionist Organisation, but they appeared only to be able to exercise this right against the proposals of a religious nature made by the Zionist Organisation, if their freedom of conscience were not fully respected.

Colonel SYMES said that the question was very complicated. Freedom of conscience was secured to everyone in the territory, no matter what his sect, and there was no interference of any kind in cultural matters.

The dissentient section in question took little or no interest in the Zionist conception of the National Home and possessed an apparently theocratic conception of the constitution of a State. But the Administration felt it would be unreasonable to deny to the great majority of Jews in Palestine the right and capacity to organise themselves on modern and democratic lines merely because there was a small minority which regarded those lines quite sincerely as detestable and immoral. A book recently published by one of them, Dr. Breuer, put the general position of these ultra-orthodox Jews and showed how difficult it would be to organise a modern community in accordance with their ideas.

M. FREIRE D'ANDRADE thanked Colonel Symes for his explanations, with which he agreed.

M. VAN REES would like to know what was meant by dissentient minorities. It seemed to him that there could be no question of minorities or dissentient sects, but that in Palestine there were two opposite and irreconcilable currents of opinion, the Zionists, on the one hand, and the Orthodox Jews, on the other. Such Jews were not a dissentient minority of the Zionists, but belonged to a world-wide organisation which, in religious matters, held views which were entirely divergent from those of the Zionists. They wished to be quite free, from a religious point of view, but they would not refuse to collaborate in building the National Home, provided that they were left with religious freedom. With regard to this minority, he quoted the following passage from a letter from Dr. Breuer, a copy of which had been sent to him. Dr. Breuer who had just been mentioned by Colonel Symes, had gone to Palestine, where he had presented the views of the orthodox Jews to the local authorities, in particular, to M. Bentwich.

> "M. Bentwich allowed me to understand that he realised that the only method of achieving a peaceful compromise would be to form two entirely independent organisations possessing the same rights, but little by little co-operating with each other with regard to certain matters concerning which no difference of opinion existed. He informed me, however, that public recognition could only be secured if we could prove that we had behind us a sufficient number of people, since the State could not grant to every small group who applied for it the rights of a public organisation. While laying strong emphasis on our point of view with regard to the principle at stake, that is to say, that freedom of conscience was independent of the number of persons professing a particular faith, I thought it my duty to assure M. Bentwich that we could easily prove that we had behind us at least 25,000 persons demanding an independent organisation under the Thora rule, and in actual fact the number was far higher.... M. Bentwich told me, in conclusion, that the number of our adherents was a matter of great importance to him and would exercise a considerable influence on any future decision."

The accredited representative maintained that these orthodox Jews only formed a small fraction of the population. It appeared, however, from the letter

which he had quoted that this was not the case, and they were far larger than a mere dissentient minority. Were their numbers really negligible?

Colonel SYMES emphasised in his reply that no body of people in Palestine was regarded as negligible by the Government. It was true to a certain extent that there were two diametrically opposed currents of opinion, the first predominantly nationalist in character and held by the great majority of the Jews, the second exclusively religious and held by a small minority. The claim of the latter sect that it represented the whole religious feeling in Palestine would be absolutely false, if it had ever put it forward. There was he believed, no radical difference of dogma between the sect and orthodox Jews who were Zionists, but the points of difference on the Shechita question, that is, the spiritual values of meat killed in a particular way, etc., did reflect a fundamental difference of conception as to the lines on which a Jewish community should be organised for social and political purposes.

The Government always hoped that a modus vivendi would be reached whereby, while complete religious freedom would be retained by the Agudath Israel, they might come to co-operate with the rest of the Jews in other and secular matters. Dr. Breuer, in the letter quoted by M. Van Rees, had mentioned that a compromise might be reached in time. Unfortunately, the fundamental difference of conception referred to above, aggravated by personalities, had so far prevented the achievement of such a compromise. The new Regulation which had been drafted would give the Agudath Israel absolute religious freedom. When the Regulation came into force, it should be possible to compute fairly accurately the number of that sect.

Sir F. LUGARD returned to the question put by the Chairman. The Jews and the Moslems were organised, the former possessing the Waad Leumi and the latter the Moslem Supreme Council. Were the other communities, such as the Christian, both Catholic and Orthodox, the Maronite, etc., organised in political communities with a recognised status?

Colonel SYMES said that most of the Christian sects had ecclesiastical courts, which dealt with matters of personal status affecting members of the sects. Several had, in addition, communal bodies, which were consulted by the Government. Such bodies had existed before the arrival of the mandatory Power, but they had been ill-regulated and their financial position had been insecure. An Enabling Law, however, had been passed which would facilitate the further regulation of communities: the initiative lay with each community.

The most completely organised Christian community in a statutory sense had been the Orthodox. It had lately fallen into a state of disorder, and Sir Anton Bertram had gone to Palestine and had made suggestions for a revision of the charter of this community. If his suggestions were accepted, the existing charter could be amended under the terms of the Enabling Law. He would emphasise the fact that any regulation made under this law would require sanction by Government before it could be put into effect.

M. RAPPARD said that it appeared very far from true to maintain that the Agudath Israel had the monopoly of religion and that the Zionists were unanimously anti-religious. The Zionists could be divided into three categories: (1) the orthodox religious; (2) the religious reformed; and (3)

the non-religious. Among the first two categories, the rules of the Jewish faith, such as the observance of the Sabbath, the eating of Kosher meat, etc., were scrupulously observed. Therefore it could not be maintained that all religion was on one side and all nationalism on the other. As no other statistics were available, could the Administration at least inform the Commission of the number of synagogues in the possession of the Agudath Israel and the number possessed by the Mizrachi (the orthodox Zionists)? This might give at least an approximate idea of their relative importance.

Colonel SYMES agreed in general with the observations of M. Rappard concerning the respective positions of the orthodox Jews who were Zionists and the Agudath Israel. He would endeavour to obtain the number of synagogues; he thought there were very few of them and that it was unlikely that members of the Agudath Israel would refuse to worship in other synagogues than their own.

Mrs. WICKSELL said that, as Rapporteur on the memorandum of the Agudath Israel, she had listened with the greatest interest to the discussion that had just taken place. She had not found anything in the discussion which had led her to forgo the conclusions at which she had arrived in her report, but she wanted to put one question to the accredited representative. The claim of the orthodox group was to be recognised as a special Jewish community on the same footing as the general community. The only objection which the mandatory Power had put forward against this claim was the exiguity of members of this group. She wanted to know what would be the difficulty of the Administration if it had two recognised Jewish communities to deal with. She could see that there was an economical difficulty for the little orthodox group to keep up the necessary services, but that, on the whole, was their affair and need not trouble the Administration.

Colonel SYMES replied that on general grounds the Administration did not desire to multiply the number of communal organs providing cultural services in Palestine. If every minority set up its own community there would be more organisations than the country could support. The Regulation to be promulgated for the Jewish community would meet the desires of the great majority of Jews and after it had come into force the Administration might consider whether it was necessary for any particular Jewish body which did not wish to belong to the main community to form a separate one. One of the many factors making the establishment of a separate community for the Agudath Israel objectionable was that the majority of Jews feared that the dues to be paid by the members of that sect might be lower
than those which they paid, and consequently they would lose a certain number of adherents who would join the Agudath Israel, not from a religious motive but to escape paying a higher due.

M. FREIRE D'ANDRADE would recall that the Zionist Organisation, which was the sole Jewish body authorised, by the terms of the mandate, to give advice to the Government, stated in its memorandum that the Agudath Israel had a right to expect unrestricted liberty of conscience and should be allowed to exercise that right. The Zionist Organisation stated further in the same memorandum that if the Agudath Israel had any doubts as to the values of slaughtered meat certified by the Chief Rabbinate of Palestine, there was no reason why they should not nominate slaughterers of their own. That being so, it seemed that the problem was one of securing complete freedom of conscience for the sect in question and that the Zionist Organisation, on the other

hand, had no intention, it seemed, of interfering with that freedom. In those circumstances, the terms of the mandate appeared already to have been fully observed.

He would refer to the complaints which had been made regarding measures concerning education, health and the granting of concessions. Such complaints stated that greater facilities had been given to Arabs than to Jews. The mandatory Power had replied that the Government schools, hospitals, public services, etc., were at the disposal of all members of the population and that they were not reserved exclusively for the use of any one particular section. Further, the Administration claimed the right to possess entire freedom in granting a subsidy to any section of the community if it proved necessary to do so. Was this correct?

Colonel SYMES replied that M. Freire d'Andrade had correctly stated the position of the Government.

M. VAN REES asked that the Ordinance concerning religious minorities should be annexed to the next report, together with the Regulation for the Jewish community.

M. CATASTINI pointed out that the Ordinance had already appeared in the Palestine Official Gazette, which had been distributed through the Secretariat to the members of the Mandates Commission.

Colonel SYMES explained that the Ordinance in question was an Enabling Law which gave power to enact regulations for communities. That law had already been passed and was published. The Regulation for the Jewish community was still under consideration. If promulgated in time, it would be annexed to the next annual report.

The CHAIRMAN had noticed that, in a protest which he had received, the Commission was requested to draw the attention of the mandatory Power to the fact that the draft of the Regulation for the Jewish community should be communicated to all sections of Jewry and not exclusively to the Zionists.

Colonel SYMES said that the draft Regulation for the Jewish community in Palestine had been communicated to representatives of all sections in the country. He did not suppose that there was any important section of Jewry outside Palestine that did not possess a representative in Palestine.

The CHAIRMAN explained that certain Jews complained not that they had not been informed of the Regulation in question but that the Mandatory had not taken into account their desiderata.

Colonel SYMES replied that all views had been taken into account by the Government in framing the Regulation.

In reply to a question from M. ORTS, Colonel SYMES said that the Waad Leumi was elected by secondary electors, who formed the general assembly known as the Assephat Hanivharim. The elections were carried out by a double process, consisting of secondary electors who elected the General Council, which in turn elected an Executive Committee. This Committee communicated directly with the Government on Jewish communal affairs. The Assephat Haniv-harim was the elected assembly and the Waad Leumi the Council.

M. ORTS enquired whether the orthodox Jews had taken part in the election.

Colonel SYMES replied that a very large number of practising Jews had taken part in the election but that the electors had not included the sect of Agudath Israel who had conducted very strong propaganda with the object of inducing other orthodox Jews to abstain from taking part in the elections. Such propaganda, however, had not been very successful.

In reply to a further question from M. ORTS, Colonel SYMES said that there had been two elections of the Waad Leumi within five years. The manner in which that Council would be renewed would be dealt with in the draft Regulation now under consideration.

The CHAIRMAN enquired whether the lists of the electors were compiled by the Rabbis or by the Zionist Organisation.

Colonel SYMES replied that they were not compiled by either. The Zionist Organisation as such had nothing to do with the elections. The different committees of the Jewish communities in the various districts organised elections; these committees were representative of all Jews in their particular districts.

The CHAIRMAN asked if the Committees sometimes tried to exclude orthodox Jews from the election when drawing up the list of the electors. Formerly, orthodox Jews were in a majority in Palestine, but the orthodox communities had now been swamped by the inflow of Zionists, many of whom were not orthodox in a religious sense.

Colonel SYMES said that before the war the subsidised and most orthodox Jews living in Jerusalem numbered several thousands. Apart from these, there had been a number of practising Jews throughout the country and these had largely increased in number through immigration. It would be quite wrong to think that religious and practising Jews were confined to the Agudath Israel. He believed that there had never been any desire on the part of the community to exclude orthodox or any other Jews from taking part in the elections.

The CHAIRMAN enquired whether the present organisation of the Jewish communities was truly representative of local Jewish conditions.

Colonel SYMES replied generally in the affirmative.

Mrs. WICKSELL pointed out that the mandatory Power was considering the promulgation of a Regulation for the Jewish community, but the community had already organised itself without any legal recognition and, apparently, satisfactorily.

Colonel SYMES replied that this was perfectly true. The new Regulation would give statutory authority to an existing organisation.

M. ORTS asked: (1) Whether the Waad Leumi would continue to be of importance when the Regulation had been adopted; (2) whether the various elements in the Jewish communities were adequately represented on the Waad Leumi; (3) whether it was elected on a system of proportional representation.

Colonel SYMES replied: (1) That the Regulation would confirm the authority now exercised by the Waad Leumi on behalf of the majority of Jews in Palestine; (2) that different Jewish elements found representation in the Waad Leumi according to their numbers; (3) that the Waad Leumi was elected largely on a proportional basis.

M. ORTS wished to know what spirit prevailed in the Waad Leumi. Did the majority respect the legitimate interests represented by the minority or did it tend to tyrannise over the latter? Did the minority accept its position? The question was of importance in the case of this assembly because there was no reason why the relative position of the different elements composing it should ever change.

Colonel SYMES replied that the Waad Leumi had shown, he thought, a thoroughly conciliatory spirit in its efforts to meet the difficulties of the minority and had always been prepared to make liberal arrangements to secure to that minority complete freedom of conscience.

The minority did not appear likely to join the main community for reasons which he had explained elsewhere, namely, that their views of political and social organisation were diametrically opposed to those modern institutions which the Jews in Palestine wished to set up.

He thought that, when the Regulation for the Jewish community came before the Permanent Mandates Commission, it would be clear that the possibility of oppression of any minority was entirely excluded by its terms.

M. ORTS asked that a detailed statement regarding the very complicated matter of the organisation of the various communities in the country, might be submitted with the next report.

Colonel SYMES undertook to provide this. The text of the Regulation for the Jewish community could be submitted, with an explanatory memorandum.

In reply to M. FREIRE D'ANDRADE, Colonel SYMES repeated that the National Assembly would be given an official status by the new Regulation.

M. FREIRE D'ANDRADE pointed out that it was said, on page 17 of the Waad Leumi memorandum, that it had received recognition in a letter from the High Commissioner.

Colonel SYMES said that by the term "legally recognised" the Waad Leumi probably meant that the Government had communicated with it and dealt with it on various communal matters. It had never had a statutory authority, but this would be granted by the new Regulation.

TWENTY-THIRD MEETING
Held on Tuesday, June 22nd, 1926, at 3.30 p.m.
Chairman: The Marquis THEODOLI.

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Present: All the members of the Commission.

590. **Palestine and Transjordan: Examination of the Annual Report for 1925** (*continuation*).

Colonel Symes, accredited representative of the mandatory Power, came to the table of
the Commission.

System of Representation adopted by the Jewish Community.

The CHAIRMAN asked whether the accredited representative desired to give any supplementary information in regard to the system of representation adopted by the Jewish community.

Colonel SYMES said that the Jewish community desired to have a very modern and exact system of representation. He was not aware whether this system had in practice been adopted throughout the country, but at Tel Aviv, the largest Jewish centre, he believed that representation was on a strictly proportional basis.

M. FREIRE D'ANDRADE said it was alleged that the mandatory Power had adopted a negative and passive attitude in regard to the carrying-out of its obligations towards the Jewish community. This policy had in particular been imputed to Sir Herbert Samuel.

Colonel SYMES said that these allegations were prompted partly by financial and partly by political considerations. There were certain positive schemes which the Jews desired the Administration to carry out involving expenditure which the Government could not at present afford. In every Department of State the Administration was bound to reconcile its obligations under Article 2 of the mandate with its obligations under Article 6. This reconciliation had been largely effected by acts of good government which were beneficial to all sections of the population, and which naturally created conditions favourable to Jewish immigration and to the establishment, without detriment to the interests of the non-Jewish population, of the Jewish National Home in Palestine.

Immigration into Transjordan.

Sir F. LUGARD noted on page 56 of the report a schedule relating to immigration. He presumed that these figures covered immigration into Palestine only. What were the conditions in regard to immigration into Transjordan? Was such immigration free to all races including Jews?

Colonel SYMES said that the figures in the schedule related to immigration into Palestine. The principal immigration into Transjordan was at present from the north and was due to the troubles in Syria. The immigrants were mostly refugees consisting of old men, children and families.

Sir F. LUGARD observed that it was reported that 10,000 such immigrants had entered the country. They appeared to be mostly persons who were opposed to European rule.

Colonel SYMES said he could not give the exact figures, but the immigrants were probably less than 10,000. They no doubt included individuals who were bitter concerning the situation in Syria and who were inclined to ascribe this situation to the result of European intervention.

Land Survey.

Sir F. LUGARD asked whether progress had been made in the survey of the country. Mr. Ormsby-Gore, at a previous session, had said that no land could be distributed to the Jews until this survey had been completed. It appeared from the report that the survey was at present confined to cadastral work and that no work was being done in the south, where it was understood that there would be land available for the Jews.

Colonel SYMES said that the whole question of land tenure in Palestine was complicated by the fact that there has been no accurate survey and that the Turkish registry system was a bad one. Until a comprehensive settlement of title, associated with cadastral survey, had been effected it would be difficult, if not impossible, to introduce the fiscal and agrarian reforms which were demanded of the population, especially the agriculturists. For this reason the Administration had invited the assistance of Sir Ernest Dowson. It was intended to carry out a comprehensive examination of all titles to land with a view to an improved registration and confirmation of title. When the settlement had been accomplished, it would be possible to introduce fiscal and other reforms from which the agricultural population especially would benefit and to ascertain what land was really available for distribution.

Legislation.

Sir F. LUGARD enquired to what extent Ottoman law was still applicable in Palestine, and whether the Ottoman law applied would be embodied in the proposed official publication of a compilation of laws.

Colonel SYMES said that the Ottoman law was the law of the country when the mandatory system was established.

The compilation of laws to which Sir F. Lugard referred would consist of ordinances published since the entry of the mandatory Administration. There had been no revocation of Ottoman law, which was still in force.

The CHAIRMAN asked, as regards the abolition of the capitulations, if the Administration proposed to issue a new code, and to what extent the Ottoman law was still in force.

Colonel SYMES said that the Ottoman law was administered except in so far as it had been revised or supplemented by subsequent ordinances of the Administration.

The CHAIRMAN said that the Commission felt that it would be very useful and even necessary to have a complete collection of the laws which were actually in force.

Colonel SYMES said that copies of the ordinances promulgated by the

Administration had already been furnished to the Commission. It was hoped that the Ottoman Penal Code would eventually be replaced by a more modern code.

M. RAPPARD drew attention to the preamble of an Order in Council given on page 154 of the report for 1925. There was no reference in this preamble to the League of Nations, or to the mandate which should, he thought, be mentioned as sources of authority.

Colonel SYMES said that he would not venture to express any opinion in regard to this
matter.

Land Tenure, Baisan Agreement.

M. VAN REES asked that the Commission should be informed of the terms of the Baisan agreement referred to in the report. The text of this agreement had never been communicated to the Commission.

Colonel SYMES said that a general description of the circumstances in which this agreement had been made would be found on pages 41 and 42 of Sir Herbert Samuel's report for 1920-25.

There would be no difficulty in providing the Commission with the text of the Baisan agreement. In accordance with this agreement, which was an agreement between the Government and the previous occupiers of the land dealt with under its provisions, the occupiers might acquire full title to the land upon easy terms. 100,000 dunums had already been allocated under the agreement. The general terms of the agreement were set out in the report for 1921. The beneficiaries were mostly Arabs, but they included a few Persians and Jews who were previously in occupation, and were thus entitled to benefit. It was hoped that the whole allotment would be completed in two years. The beneficiaries were allowed to pay for their lands in instalments, which were distributed over fifteen years. Meanwhile, they were given on allotment a provisional title to the lands, but a full title was not conferred until all instalments had been paid, and the provisional title was not, of course, marketable. Any occupier could, if he so desired, pay all his instalments at once, and in that event he could transfer his title, like any other title to land.

M. VAN REES, noting that the Baisan agreement did not cover all the lands available in Palestine, asked what was the intention and position in regard to other lands belonging to the State.

Colonel SYMES said that the Administration was required, by Article 6 of the Mandate, to facilitate the settlement of Jews on the State domains. The Administration would carry out this obligation so far as it did not conflict with its obligations under Article 2. The situation of lands registered as State domain was not always ascertainable, and the boundaries were difficult to determine. Many of these lands were occupied by Arabs, who had to this extent acquired prescriptive rights and who could not be removed without arousing considerable political discontent.

M. ORTS would like to know the extent of the State domain.

Colonel SYMES said it was impossible to estimate the amount of State land available for Jewish settlement till the survey of the country had been completed and a full examination had been made into the question of title. There were, moreover, further complications. Many of the lands were detached properties which had escheated to the State. For Jewish settlement purposes, large compact areas were desirable, both from the point of view of public security and social conditions. It was desirable to establish aggregations of Jewish settlements, as Jewish settlers should as far as possible be assured the amenities of civilised life. It was difficult in a small country to find large tracts of land which could be cultivated intensively and which were unoccupied.

M. FREIRE D'ANDRADE said that there had been certain complaints in regard to the Baisan agreement on the part of the Jews. It was alleged that the lands had been cut up into such small estates that irrigation would be difficult. It was also said that the Government was granting lands to persons with doubtful titles, and that these persons endeavoured to re-sell the estates. The Jews were unable to purchase the lands because they had not the same facilities as the Arabs.

Colonel SYMES drew attention to the passages on pages 41 and 42 of the report for 1920 to 1925. The Baisan agreement had been made at a time when grave misgivings had been expressed by the Arabs in regard to the official interpretation of Article 2 of the Mandate and must be faithfully implemented. From an economic point of view the agreement might be criticised unfavourably. The area affected was to the south of the Sea of Galilee, and for its quick and profitable development it might have been entrusted to a large land company with the necessary capital. This course, however, had been precluded by consideration of the moral claims of the local population. It might be possible to promote the development of certain parts of the area in future by a system of co-operation between small-holders.

M. FREIRE D'ANDRADE said he was not himself criticising the agreement but was merely referring again to the complaints that had been made.

The CHAIRMAN said that the land question was very complex. A similar situation had been found in Tripoli. Titles to land were handed from owner to owner, and they might, of course, be forged. Moreover, the name of the owner was not mentioned clearly, but he was usually described as he was locally known. It was difficult for the Administration to know who really was the person concerned. On the other hand, the situation in regard to the State lands was extremely complex, because of the complications arising in connection with the different types of Wakfs. The question was further complicated by the habit of the Bedouins of settling on land and thus obtaining prescriptive rights. It was essential, therefore, that a survey of the land should be made and that a system of registration should be established. The mandatory Administration had promised to inform the Commission of the progress of this work.

There was, however, one question to which the Commission would particularly like to have a definite answer. Was it true that there were lands with fixed boundaries and undisputed title which were available for distribution by the Government?

Colonel SYMES said that the Government was at present unable fully to answer

this question. The experience of the last five years had shown that it was no use trying to settle the land question until the Government had carried out a full investigation of titles and rights. It was true that certain lands were registered in the name of the Government, but it was usually found that there were claims to these lands which required investigation and in many cases there were encroachments of such long standing as to create something like a prescriptive right to occupancy.

M. FREIRE D'ANDRADE said that apparently new titles to land, conferred by purchase or otherwise, could be equally uncertain. Lands were sold to Jewish settlers, and, after the sale, Arabs settled upon these lands and laid claim to them. This was a case for the courts, but their decision, it was maintained, might sometimes depend on the ability of the parties to buy false witness. A concrete case was quoted in which Jewish purchasers bought 60 square kilometers of land, but had been subsequently obliged to compound with Arab intruders, who settled on the estate. The Jews complained that they had not sufficient security, even though they had purchased the land, and that steps were not taken to protect their titles.

Colonel SYMES said that courts in Palestine were certainly not more venal than those in other countries in a similar state of evolution. It had been said with some reason that owing to the uncertainty of titles to land, the only way to decide whether a given piece of land was your own was to build a house upon it. The Administration would have to clear away the remains of the Turkish land registries and practice before it could settle the problem of title satisfactorily and give to all sections of the population the necessary security of tenure.

The CHAIRMAN said that in Libya the Administration had fixed a time-limit within which anyone laying claim to an estate must come forward or lose his title.

Colonel SYMES said that this practice would be followed when the Administration undertook comprehensive settlement work which would also probably necessitate travelling courts to investigate disputed claims on the spot and thus avoid the need for peasants to incur unnecessary expense in connection with judicial proceedings.

The CHAIRMAN suggested that the Commission might pass a resolution expressing the wish that the registration should be completed as soon as possible.

Arab Opposition.

M. PALACIOS wished to draw the attention of the Commission and of the accredited representative of the mandatory Power to certain questions raised by the complaints of the Executive Committee of the Arab Congress. Naturally, there was no question of defending the Arab cause before the British Government but of upholding, side by side with the mandatory Power, the terms of the mandate. His insistance should be interpreted, therefore, merely as the result of his position as Rapporteur for these questions. Certain of them, which were general in character, would be dealt with during the discussion of the report; the others would be submitted to Colonel Symes when special questions were being examined.

First of all he would ask, in order to preserve some method in dealing with

such wide and complex complaints, what was the strength of and the present situation as regards the Arab opposition? How was it organised? Was it still spreading, was it stationary or was it rather decreasing? Had this element of the Palestinian population held any new assemblies? Was it supported by other elements of the population?

Up to the present, the Arabs had always been opposed to the whole mandate; in the present petition, they make, for the first time, no protest against its basic principles and its establishment as a whole but only against the failure to carry out some of the terms of the mandate. Did this indicated that real progress had been made?

Colonel SYMES said that the position was virtually the same as that described on page 47 of the report for the years 1920-25. Outwardly, at any rate, the political attitude of the Arabs had not been appreciably modified. The more reasonable Arabs, however, realised that many of their previous fears were unfounded, and political agitation against the Government had temporarily decreased. It was difficult to say yet whether they would also abandon their attitude of non-co-operation with the Administration. The reasons for their abstention were obvious. Politically, most of the educated Arabs had a conception of an ideal Palestine State which was at variance with the mandate.

The Pan-Arab politicians hoped for an eventual amalgamation of all Arab-speaking countries, and they disliked any system under which Palestine, Syria and Iraq were treated as separate territories. Their conception was accordingly utterly opposed to the principle of the Palestine and other mandates. They had at the outset been led to suppose that, if they pursued a policy of non-co-operation with the Mandatory, the terms of the mandate might be changed. They had therefore pursued that policy.

There were also domestic reasons for the policy of non-co-operation. The Arabs were conscious of their own internal divisions and were naturally anxious to conceal them and to show a united front. The easiest way in which they could do so was to pursue a negative policy and to rally the Arab population to the idea of non-co-operation as a political demonstration. The Arabs also realised that they lacked experience in the administration of a modern State and feared that, if they consented to work with the Government, they might become its catspaws in implementing a policy they did not approve. Many Arabs realised that this policy of non-co-operation was unfruitful and to their own disadvantage, and the Government was gradually obtaining their confidence in its loyalty and good intention towards the majority populations. Consequently, and as their fear of being exploited for political purposes lessened and their confidence increased, the tendency towards a policy of association would be strengthened.

Attitude of the Christian Minority.

M. PALACIOS enquired whether the Arabs were supported by any of the Christian elements -- that was to say whether the Christian Arabs associated at all with the Moslems in these matters and whether, among the other sections of the population, certain tendencies that it had seemed possible to recognise in some ecclesiastical circles in Rome and Paris had been able to soften the feeling against the Jews.

Colonel SYMES pointed out that the Christian Arabs were in a minority and did not therefore parade any disagreement with the majority. Many Christians were individually associated with Moslems in political matters, but generally the attitude of Christian Arabs was that of a minority which did not want disorder and therefore was opposed to any movement likely to bring it about.

Question of Arab co-operation with the Administration.

M. PALACIOS said that the Commission had learnt from Sir Herbert Samuel (page 56 of the Minutes of the Fifth Session) that, if at any time the Arabs indicated that they desired to accept the British proposals regarding the Advisory Council, the Legislative Council and the Arab Agency, the last organisation to possess the same powers as the Jewish Agency, the British Government would take steps to meet their wish. Did not the Administration consider that it might profit from some favourable moment to return once more to this policy of conciliation?

Colonel SYMES said that there had been no change in the policy laid down by Sir Herbert Samuel and described in the report for 1920-25. The refusal to participate in the Central Government had come from the Arabs; if and when they desired to co-operate they would be welcome. The Arabs were obtaining useful experience of affairs on municipal and communal bodies.

The CHAIRMAN said the Commission was happy to note that the Arabs, thanks to the conciliatory policy of the mandatory Power, were gradually beginning to collaborate with it. This was the policy which the Commission itself wished to see adopted, and it desired to compliment Colonel Symes on the results which he had achieved.

Colonel SYMES thanked the Chairman for the compliment addressed to him, but pointed out that he had only been in his present office for a year and that he had done no more than apply a policy which was already in existence.

Arab Grievances.

M. PALACIOS, returning to the concrete questions of a general character of which the Arabs complained, recalled those concerning the national title, the national hymn and the flag. These were really thorny questions, like all sentimental and patriotic questions, regarding which it was necessary to observe complete prudence and tact.

As regards the first point, the Arabs claimed that it was not in conformity with Article 22 of the Mandate to print the initials and even the words "Eretz Israel" after the name "Palestine" while refusing the Arabs the title "Surial Janonbiah" ("Southern Syria"). The British Government had not accepted the use of this Arab title, but gave the place of honour to the Hebrew word used for 2,000 years and decided that the official name in Hebrew was "Palestina" followed by the initials signifying "Aleph Jod", the regular Hebrew name. Was the question still under discussion and could the accredited representative give the Commission any further information?

Colonel SYMES explained that the country was described as "Palestine" by Europeans and as "Falestin" by the Arabs. The Hebrew name for the country was the designation "Land of Israel", and the Government, to meet Jewish wishes, had agreed that the word "Palestine" in Hebrew characters should be followed

in all official documents by the initials which stood for that designation. As a set-off to this, certain of the Arab politicians suggested that the country should be called "Southern Syria" in order to emphasise its close relation with another Arab State.

M. PALACIOS said that the second point he had mentioned arose in connection with the confidential instructions which had been issued to all officials to the effect that they should rise when they were present at ceremonies where the Jewish hymn was sung, whereas no instructions had been given in respect of the Arab hymn, which was even prohibited. The Arabs complained also that it was prohibited to fly the Arab flag, while all honour was given to the Jewish flag. The reason which the mandatory Power appeared to give was that the Arab flag, like the Arab hymn, were State emblems, while those used by the Jews had not the same character.

Colonel SYMES said that these complaints were on the same level as the complaint in regard to the name of the country. The Jews had adopted an anthem which was used in their assemblies, and officials of the Administration rose as a matter of courtesy when the hymn was played. No other official recognition had been given to the hymn. The flag referred to was a Zionist emblem. It was never paraded as a State flag and the Administration saw no reason to prohibit its being flown like any other private emblem. There was no corresponding Arab flag, but an attempt had been made to popularise the Hedjaz State flag and to introduce an Arab hymn. The only concern of the Government in this matter was to prevent the two parties from needlessly provoking one another. It was a question of public order which had happily not been raised in an acute form for some time past.

M. PALACIOS thanked Colonel Symes for his replies and pointed out that the British Government had already given satisfaction to the Commission.

Transjordan.

Sir F. LUGARD noted a reference on page 8 of the report to two agreements. There was the Hadda Agreement, defining the frontier line between Transjordan and Nejd, and there was an agreement concerning the status of the Transjordan Government, which His Majesty's Government proposed to conclude with the Amir Abdullah but which had not yet been settled.

Colonel SYMES said that the operative part of the Hadda Agreement would be found on page 80 of the report, in which the frontier of Transjordan and Nejd was defined.

Sir F. LUGARD said that the map did not go sufficiently far south to enable the frontier to be traced.

Colonel SYMES said he did not know to what extent the country had been mapped. He would endeavour to obtain a map of the frontier for the Commission.

Sir F. LUGARD enquired whether this delimitation of the frontier would make additional land available for the Jews.

Colonel SYMES said this was improbable. Political opposition to Jewish penetration was very strong in that region and Transjordan was excluded by

the mandate from the provisions of the Balfour Declaration.

Sir F. LUGARD enquired whether the southern frontier had yet been delimited.

Colonel SYMES replied in the negative.

The Ma'an Region.

M. VAN REES noted on page 8 of the report a statement to the effect that in August the region about Ma'an, although included in the area under the British mandate, had passed temporarily under the control of the King of the Hedjaz.

Colonel SYMES explained that the whole territory had been extremely disorganised. King Hussein had marched into the country and set up a primitive form of administration. The mandatory Administration had started negotiations for his withdrawal from mandated territory, but King Hussein had abdicated from the throne of the Hedjaz before these negotiations had been completed. The mandatory Administration had thereupon taken possession of the country. The fact that the Amir Abdullah was the son of King Hussein necessitated a certain tact in dealing with the latter's encroachment.

Grievances of the Jews; Development of Jewish Industry and Agriculture; System of Land Taxation.

M. FREIRE D'ANDRADE said that the Jews were complaining that the Government did not take the necessary steps to develop Jewish industry and agriculture. They even alleged that the Government was making less effort in this direction than the previous Turkish Government. They pointed out that the Turkish Government had made concessions of land; that it had exempted the land from taxation for several years; an that it had allowed machinery and raw material to be imported free of duty. They asked that at least raw material should be allowed to enter the country free of duty and that infant industries should be untaxed.

Complaints were also made in regard to the levying of tithes upon agricultural produce. It was said that the tithes levied were higher than the previous Turkish tithes, and that they were imposed irrespective of the varying quality of the land. They complained also of a tax levied every year at the rate of 4 per 1,000 on the value of the estates. It was alleged that this tax was levied upon a valuation which was fifteen times greater than under the Turkish regime. Attention was also drawn to a tax of 3 per cent upon the transfer of land. It was represented that this tax fell with particular hardship upon the Jews, as a Jewish company which bought land in order to sell it again to a Jewish individual was required to pay the tax twice over.

Colonel SYMES said he did not think it was necessary to deal seriously with the suggestion that the British Administration was doing less for industry and agriculture than the late Turkish Administration. It was quite clear that there had been very considerable industrial developments in the territory, but the problem of founding industries in a country so completely disorganised was a difficult one. Success was retarded or prevented by the high cost of production, which was due in turn to the high cost of living. A protectionist tariff would further increase the cost of living and was

therefore impossible. The general policy pursued by the Administration was described on page 7 of the report. This policy was to encourage promising industries, as much as possible, but not to promote the establishment of industries which were not likely to be successful.

The Administration frankly recognised that the present system of taxation was imperfect. It was one, however, to which the majority of the population was accustomed, and care would have to be exercised in the introduction of a revised system. It would be noted on page 4 of the report that in May 1925 the Government had reduced the tithe on agricultural produce from 12 1/2 per cent to its pre-war level of 10 per cent. The Jewish petitioners had suggested that the tithe should be abolished and a land tax substituted. The Government was anxious to do this, but it must first know the extent, position and title of all lands subject to taxation.

The CHAIRMAN pointed out that the disadvantage of the tithe system under the Turks had lain in the fact that the tithes were farmed. Peasants had to deal with the farmers of the tithes, and serious abuses were possible. The system was, however, favourable in a certain way to the peasants as the amount of tithe levied varied in accordance with a good or bad harvest.

Colonel SYMES agreed to some extent with the Chairman. The Administration had, of course, abolished the farming of tithes. The Government itself assessed and collected the tax. The process, however, was lengthy, laborious and inexact, and worked to the disadvantage of the enterprising cultivator. The popular desire was for something which would be simpler and more accurate. The tithe, moreover, was a very costly tax to collect.

The Jews had some reason to complain of the re-valuation of land for fiscal purposes. The original valuations had been made many years ago. It had been impossible hitherto to make a general re-valuation of all land but a new valuation was made whenever an estate changed hands. The grievance would disappear when the lands had been generally revalued. The fees on transfers of land were those prescribed by Ottoman Law and were not excessive.

M. RAPPARD said that M. Freire d'Andrade had alluded to the fact that the tax had to be paid twice over when the lands were immediately resold. Could it not be provided that for a minimum period an estate might be resold free of duty? The system in Geneva, for instance, was to levy new tax only if the transfer took place after a period of several months.

Colonel SYMES said that this suggestion certainly seemed worth considering.

The CHAIRMAN said that he felt serious misgivings in regard to a problem to which he had drawn attention during previous sessions. At the present moment, though most of the Jews who arrived in the country were penniless, the Zionist Organisation had large means and inexhaustible sources of revenue. What would happen when the registration of the land had been completed? The Jewish Fund would be able to purchase large quantities of land and would form a kind of State within a State holding extensive areas of the country, and having a considerable capital. This powerful body would exist side by side with small Arab proprietors who would gradually be absorbed or would lose all political and social value. Would it not be better to encourage individual Jewish families to buy the land and to take an interest in it? He feared that, otherwise, the intention of the Balfour Declaration would have been

defeated.

Colonel SYMES said that he believed the policy of the Zionist Organisation to be to settle Jewish families on the land. The Jewish Fund did not wish to become a great landed proprietor but desired to develop a healthy Jewish agricultural population. The Arabs, on their side, were attached to the soil and would not part with their lands if they could profitably cultivate them. It was for the Government to ensure that the general conditions were such as to make it possible for lands to be cultivated in a way which would make them pay.

The CHAIRMAN pointed out that the Zionists had already brought into the country between October 1917 and March 1926 nine and three-quarter million pounds. Lands were cultivated; commerce and industry were being developed. He wondered whether the capital invested in these enterprises would prove to be remunerative. Hitherto the Jewish colonies had been run at a loss, but funds from abroad had made good the deficiency. Could the policy at present pursued ever be self-sufficing?

Colonel SYMES said it was fairly certain that a good deal of the capital sunk had been sunk definitely and would never return interest. This, indeed, was the basis of the Balfour Declaration. It was known that money would be found in order to establish Jews in Palestine and that this money would not be recovered. When, a good deal of initial capital expenditure however, had been written off, he thought that the Jewish establishment in Palestine should be on a sound economic footing.

The CHAIRMAN pointed out that not all the industries created in Palestine showed much prospect of becoming paying propositions. This was the case as regards the production of electrical power by means of coal imported from England and the manufacture of matches made with raw materials from abroad. Such industries could only be saved by protective duties which ought to be made to conform with the principle of commercial equality. The future could not fail to give rise to considerable anxiety.

Colonel SYMES said that agriculture could be made to pay and was, in fact, paying at that moment. The immediate future of industry on a large scale was more uncertain. As to electrical power, it must be remembered that, under the Rutenberg scheme, power would be provided during the next few years at a cheap rate. Moreover, the cost of living might be reduced when proper harbour facilities could be provided and communications further improved. It might well be possible, in these circumstances, for Jewish commercial genius to enable many industries in Palestine to flourish.

Question of Immigration.

The CHAIRMAN pointed out that it was essential to a successful solution of the problem that the immigration of Jews into the country should be proportionate to its resources. He had laid emphasis on this point two years ago when Sir Herbert Samuel had come before the Commission. This year also, the Commission was obliged to take these factors into account in view of the protests and petitions which were addressed to it. The shortage of houses and the increase in the cost of living were in direct relation to the rate of immigration, which was very high.

Colonel SYMES said it was extremely difficult to determine the exact capacity of the country at any given time to absorb immigrants. It would be seen that the class of immigrants bringing capital into the country was increasing and individuals had introduced large capital resources there.

Sale of Arab Lands.

M. ORTS asked in what way the Arabs used the capital obtained from the sale of their lands.

Colonel SYMES said that some of the Arabs who sold their land used the proceeds to buy land elsewhere. There were cases in Jaffa where Arabs sold land to the Jews and re-invested their money in orange groves. The transaction was extremely profitable, as they sold their lands when the market was high and purchased other lands when it was low. One of the grievances of the Palestine Arabs in this connection was that some of the larger properties sold to the Jews were owned by Syrian Arabs, who took the money out of the country.

M. ORTS asked whether, as a result of the sale of lands, the Arabs were not showing a tendency to go to Transjordan or to emigrate to other districts in order to obtain new land.

Colonel SYMES said that individual Arabs doubtless migrated and bought land further east, but the movement was quite unappreciable.

TWENTY-FOURTH MEETING
Held on Wednesday, June 23rd, 1926, at 10.30 a.m.
Chairman: The Marquis THEODOLI.

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Present: All the members of the Commission.

591. **Palestine and Transjordan: Examination of the Annual Report for 1925** (*continuation*).

Colonel Symes and Mr. Clauson came to the table of the Commission.

Development of Local Self-Government: Status of Religious Communities.

M. FREIRE D'ANDRADE referred to the complaints made by the inhabitants of Tel-Aviv to the effect that they had not been granted an autonomous municipality. It appeared from a paragraph on page 4 of the report that the mandatory Power considered that it was in the organisation of local rather than central Government that real progress towards autonomy could be made immediately, and that it hoped to prepare a Municipal Ordinance defining the power and functions of the local councils. He would like to know what steps the mandatory Power had taken in this matter.

Colonel SYMES replied that the Government regarded the establishment of local

self- governing institutions as of great importance, for by such means not only could important services be rendered to the public but also a valuable training in self-government provided for the people. The establishment and supervision of municipalities was therefore regarded by the mandatory Power as one of its most important tasks.

The Administration desired that the political organisation of the country should comprise an efficient system of local governing bodies. What it desired was to secure institutions which could eventually be directed and controlled by the people themselves without external interference and to evolve from the lines traced in Turkish times into popular and democratic channels. Municipal organs existed under Turkish rule, but they had not been altogether what they appeared to be on paper. The extraordinary diversity in political views and language and the strong sectarian feeling throughout Palestine made it essential in areas where the population was mixed to separate the functions fulfilled by the communal organ from those fulfilled by the municipal organ. The latter represented all sections of the population in a particular territorial area.

Municipalities in pre-war times had been ill-regulated and continually subject to arbitrary interference from the Government. The mandatory Power had tried to make thereof practical value. There were 17 municipalities, and in practically every case the efficiency of the services which they rendered had greatly increased during the past five years. Healthy public opinion was growing up and demanding a certain standard of efficiency on the part of these municipalities. That being so, the Administration now hoped to re-introduce the elective system. It should not be forgotten that most of the municipal areas contained a mixed population of Moslems, Jews and Christians.

Apart from the municipalities, twenty-five local councils had been established since 1921. They had elected members and performed services analogous to the municipalities in the towns. These local councils had not all proved equally successful. They were hampered by lack of funds, but many of them were doing good work, and he would refer in particular to the case of a village near the northern frontier which had formerly been untidy and quarrelsome and which had now been transformed by its local council into something like a European market town. Such a result had been due to the co-operation of the people.

Apart from the twenty-five local councils recognised by statute, a number of Jewish villages had established committees with which the Government dealt. These committees, however, had no statutory authority to collect taxes. There was a tendency to increase the number of local councils.

With regard to the particular complaint of the inhabitants of Tel-Aviv, he would point out that the town in question had originally been a kind of suburb of Jaffa and had therefore been included in the Jaffa municipal area, though it had been given a local council and had been for all practical purposes independent. The question was really one of amour-propre, for, as Tel-Aviv now numbered more than 40,000 people, it considered that it should have a full municipal status. The request was a reasonable one and would in due course be granted.

After the municipalities had been re-established on an elective basis it would be convenient to appoint a committee to discuss what changes in the

municipal statute would be useful and acceptable. The success of the municipal bodies depended on certain duties being discharged by the communal and confessional organisations which had existed before the entry into force of the mandate, for there were certain duties which the municipalities could not perform.

Consequently, the regulation of such confessional organisations and the introduction of a popular element into them was absolutely essential if local government was to be properly organised. The most ambitious attempt at regulating a community at the moment was the regulation for the Jewish community. Further, Moslem Arabs possessed the Supreme Moslem Council, the constitution of which had been laid down by an Ordinance of 1921. That Ordinance now required a good deal of revision, and for that purpose the Government had appointed a small committee of Moslem notables who would present amendments for the Government's consideration, among the most important of which would be a simpler method of election.

With regard to the regulations governing the Orthodox community, Colonel Symes said that this community possessed a pre-war statute which did not give complete satisfaction to the laity. There had been grave differences between the Patriarch and the Orthodox community. The Government had been so impressed with the necessity for a full investigation of the matter that it had asked Sir Anton Bertram, who had been dealing with the financial affairs of the Patriarchate, to suggest amendments to this statute making it possible to give facilities to the laity regarding the regulation of their own affairs. The report of Sir Anton Bertram would be communicated to the Patriarch and to the orthodox community, and the Government hoped that his proposals would be helpful to both parties.

The CHAIRMAN congratulated the mandatory Power on the tenacity and prudence which it had shown in achieving the remarkable progress to be noted in connection with the development of local autonomy. The mandatory Power was doing its utmost to fulfil the terms of Article 3 of the Mandate. He hoped that a special chapter would be included in the next report concerning the progress in this very important matter. The statement of the accredited representative had been particularly clear and, since the Chairman did not ignore the difficulties encountered by any Government in a country like Palestine, owing to the passive resistance of the inhabitants, he considered that any improvement must be ascribed above all to the efforts of the mandatory Power.

In reply to M. FREIRE D'ANDRADE, Colonel SYMES said that the heads of religious communities were recognised by the Government. The Administration desired to ensure that the representation of the communities should be put on a more popular basis than was in some cases at present the case.

M. FREIRE D'ANDRADE referred to the activities of the High Court, more particularly regarding two cases in which the powers of religious authorities had been contested. One case concerned the competence of the Supreme Moslem Council to order a judge of a Moslem religious court not to grant audience to a Moslem advocate holding a licence to practice before the Sharia Courts; the other concerned the powers of the Government to uphold the exclusive authority of the Rabbinical Council to prevent the entry to the public slaughter-house of Jewish slaughterers not licensed by the Council. Did the Jewish religious communities possess a head recognised by the Administration?

Colonel SYMES replied that the responsible person in the religious communities was, under Turkish law, the highest ecclesiastical authority. While the Administration in no way desired to disestablish any properly constituted authority it was anxious that the communities should be really represented by persons in whom they had confidence. Whilst supporting all lawfully constituted authorities, the policy of the Administration was, therefore, to facilitate a measure of popular representation in the direction of communal affairs.

Exploitation of the Dead Sea.

In reply to a further question of M. FREIRE D'ANDRADE, Colonel SYMES said that a number of tenders regarding the exploitation of the Dead Sea had been received and were still under consideration. Details would be found on page 7 of the report.

Working of Municipal System.

In reply to a question from M. ORTS, Colonel SYMES said that there were seventeen municipalities, all of which, with the exception of two or three, had been in existence before the war. Most of them comprised a mixed population of Moslems, Christians and Jews in proportion to the numerical strength of each nation. Tel-Aviv was practically exclusively Jewish.

M. ORTS enquired how the municipal system worked. Did the minority accept the ruling of the majority? Did the majority respect the minority, and did it consider its legitimate interests? Were the discussions carried on in a practical and serious spirit?

Colonel SYMES said that it could not be maintained that municipalities had reached the same pitch of efficiency as their European counterparts. The relations of members of different communities were much affected by the political differences in the country. As the country became pacified, however, and as the importance of the municipal services was realised, an increasing tendency showed itself to co-operate in such matters as drains, roads, etc., which were of common interest. It would take a generation before the municipalities worked completely successfully, but their progress was continuous.

M. ORTS observed that the experience gained in the progress of municipalities would indicate whether the communities of Palestine showed the spirit and qualities which were necessary to ensure the normal working of a national assembly.

Colonel SYMES said that that was one of the reasons why the Administration attached so much importance to the municipalities. The bridge between the various factions would be made on a foundation of common interest in practical things concerned with the welfare of the country. Once that common interest was established and suitable organisations for local governments evolved and regulated, the habit of co-operation and association would be inculcated and translated to the sphere of central government.

Economic Position of Palestine; Transfer Tax, Report of Local Government Commission.

M. RAPPARD desired to put three questions:

1. He thought that the increased cost of living in Palestine could not be taken as a symptom of the fact that the capacity of absorption had been exceeded. Prices were bound to rise if money was poured into a country. Such a rise was not necessarily detrimental to the local population, because they were agriculturalists, and might stand to gain at least as much as to lose. A certain proportion of the population might suffer because of the rise in rents, but he doubted whether this would affect the rural Arab population. On this point he would be grateful for information. The country, however, could not continue indefinitely to exist on methods whereby one part of the population derived its livelihood by supplying another part with the essentials of life. An increase of exports was necessary. Though the balance of trade did not perhaps need to be favourable, there should at least be an even balance of payments. Owing to the tourist traffic, it would always be possible for imports to exceed exports provided they did not do so to too great an extent. Such were his own views on the economic position of Palestine, and he would be grateful if the accredited representative would state whether they were correct.

2. With regard to the transfer tax, he would like to draw the accredited representative's attention to the Genevese law on transfers, of which he handed Colonel Symes an extract, whereby a tax of 2 per cent was charged which was not payable if a second transfer took place within three months of the first. Could some such system be adopted in Palestine?

3. Had the Local Government Commission made its report?

Colonel SYMES replied:

1. Although not an economic expert, he could agree generally with the conclusions of M. Rappard concerning the economic development of Palestine. There were no grounds for immediate anxiety. Evolution along the present lines would ensure a sound economic foundation in the near future. With regard to what might be described as the invisible imports due to the tourist trade, this was a source of profit capable of almost limitless expansion. The country probably possessed some mineral wealth, agriculture could be widely developed, and a certain amount of industrial activity would also be possible. Even at the present rate of immigration, the population of Palestine was far less than the country could eventually support.

The Arab population as a whole had not been greatly affected by the rise in prices. They were mostly peasants, and the increased cost of living in the town did not concern them. The rise had been felt mostly by the Jewish immigrants, whose standard of living was much higher than that of the Fellahin. The general standard of living, however, had enormously improved, and the signs of prosperity in Arab villages showed that they were not suffering from the increased cost of living.

2. He was very grateful for the text of the Geneva law regarding transfers, which would be carefully considered by the Administration with a view to adopting it mutatis mutandis if it found it possible to do so.

3. The Administration had given an undertaking to send a summary of the Local

Government Commission's report to the Permanent Mandates Commission. The report, however, was now somewhat out of date. The Commission had been formed in 1921 with the object of devising means to associate the population to a greater degree with education, to permit the formation of local budgets and to meet the complaints of Jews who maintained that they did not receive their fair share of Government expenditure on education. The Commission had carried out a careful enquiry, but in trying to achieve its objects it had proposed the institution of new educational bodies which, in the view of the Administration, would not have fitted conveniently into the general local government organisation. It was for this reason that the Administration had decided not to follow all the recommendations of the Commission.

Arab Complaints with Respect to their Political Freedom.

M. PALACIOS thought that the development of local government was beginning to follow a satisfactory course. He would refer, however, to the complaint made in the last Arab petition to the following effect:

> The Palestinian under the Turk elected his village representative called "Mukhtar", his mayor and municipal council in town, the members of the administrative Council, who administered the district under the presidency of the governor, the members of the Common Council, who legislated for all questions relating to local affairs of the district, and, finally, his member of Parliament at Constantinople, where the general affairs of the Empire were freely discussed. Under the British mandate, the village representative is in practice appointed by the district governor, the mayor and the municipal council are appointed by the High Commissioner, the administrative and common councils do not exist, and the Parliament is out of the question."

Colonel SYMES said the complaint was more accurate in theory than in fact. The conception of the Turkish administration had been totally different from that of the British, for the former knew perfectly well that their district officers had, in practice, complete control over all local governing bodies, which, if they ran counter to the Government, found themselves dissolved. It was quite true that in many instances the Mukhtar had been appointed by the mandatory Power and not elected, but the Commission should remember that the Mukhtar was the Government agent in the village with whom the Government had all its dealings. Whenever it proved possible for villages to elect them they were allowed to do so, but in cases where animosity was very strong it had been necessary in the interests of peace and good work to appoint a Mukhtar. In theory, municipalities had held wide powers under Turkish rule. In actual fact, however, those powers had been but a shadow, for they had been unable to run counter to the desires of the Turkish district officers.

The municipal bodies would gradually be re-established on a popular basis, but it should not be forgotten that the nominated municipalities had rendered good public service in the past five years. Had the members been elected instead of nominated it is doubtful if they would have been equally efficient.

With regard to the complaint to the effect that the Arabs had been deprived of their deputies in the Ottoman Parliament, Colonel Symes did not think that such deputies had ever exercised much influence in the direction of the

Ottoman Empire.

M. VAN REES thought that the explanations of Colonel Symes, which were of great interest, ought to have been furnished in writing by the British Government when replying to the petition. In general, the British Government should endeavour to answer petitions in greater detail.

The CHAIRMAN agreed. What the Commission required was a clear and definite reply in writing in answer to all petitions.

Colonel SYMES pointed out that all his observations had already been made to the Commission and would be found in the record of its Seventh Session.

The CHAIRMAN expressed the hope that the mandatory Power would take account of the Commission's desires in this respect in future.

Palestine Electric Corporation.

M. PALACIOS believed that the Palestine Electric Corporation mentioned on page 68 of the report was that belonging to Mr. Rutenberg. If that were so he would refer to the matter again when financial questions were being discussed.

Colonel SYMES replied that this Corporation was a company formed by Mr. Rutenberg.

Labour.

In reply to Mr. GRIMSHAW, who asked the meaning of Article 14 (Temporary admission of foreign labour) in the regulations laid down by the High Commissioner of Palestine under the Emigration Ordinance of 1925, Colonel SYMES said that such an article was self- explanatory. The Administration did not desire to import labour, but there were certain technical services which could only be carried out by skilled workmen not available in the country. The policy of the Administration was against the import of foreign labour except in cases of necessity.

Mr. GRIMSHAW realised the necessity of importing skilled labour on occasion. Had unskilled labour, however, been admitted temporarily to work on roads and railways? It was stated in the Press, for example, that a certain number of Egyptians and Sudanese had been employed on the railways. Was the admission of this kind of labour covered by Article 14 of the Ordinance?

Colonel SYMES replied in the affirmative. The admission of unskilled labour was very rare. To give a concrete case, the railways had imported a large quantity of coal from Egypt, and the local labour in the country had been inadequate to deal with it. It had therefore been necessary to admit the necessary number of Egyptians to handle that coal. They had immediately been repatriated on the completion of the work. The necessity for importing foreign labour was decreasing very rapidly, and the Administration received many fewer applications for the import of such labour.

Mr. GRIMSHAW was grateful for this assurance from the representative of the mandatory Power. Were there any provisions by which the Government of Palestine ensured that the sanitary conditions in immigrant ships were

satisfactory?

Colonel SYMES replied that the question had been considered, but the control of such ships was difficult. The Zionist Organisation usually dealt with the matter. The Administration could introduce legislation, but it had not yet been necessary to do so. It should not be forgotten that the journey to Palestine was very short. He could recall no serious complaints in this connection.

Mr. GRIMSHAW undertook to give the accredited representative a note containing information on this point.

Representation of Jewish Community of the United States in the Zionist Congress.

Sir F. LUGARD referred to the statement on page 69 of the report that 40 per cent of the seats in the Zionist Congress allotted to bodies other than the Zionist Organisation had been reserved for the Jewish community of the United States. Was not this proportion somewhat high?

Colonel SYMES said that this was a matter which was left entirely to the Zionists to decide. Probably the allotment of so many seats was due to the amount of funds reaching that organisation from America.

Kabbara Concession.

M. PALACIOS raised the question of the Kabbara concession in which, according to the statements made, there was a good deal of confusion. The complaints made by the Arabs were particularly severe as regards the properties of Barrat Cæsarea and which could not be considered, according to the views of the petitioners, as State lands. They claimed also that, during the new Jewish colonisation, no adequate arrangements had been made for, and no suitable compensation allowed to, the families who had occupied that land among other lands; those families were now living in misery.

Colonel SYMES said that the position with regard to the Kabbara concession was quite satisfactory. The outstanding difficulty was in connection with the afforestation of a section of the concession area, composed mostly of sandy soil. It was very difficult to carry out any work of afforestation, however, when flocks crossed the area in question and negotiations with the graziers had not yet been concluded.

M. PALACIOS asked if the question had assumed a political character and if it was still a burning question or if it was already less acute.

Colonel SYMES said that the complaint of the Arabs concerning the manner in which they had been compelled to give up their land in this area was mainly of a political nature.

M. PALACIOS thanked the accredited representative for the above information.

Palestinian Nationality.

The CHAIRMAN said that the question of Palestinian citizenship raised important legal issues. No definite reply had ever been made by the

Government of the mandatory Power to this question, which had given rise to much comment in many countries, notably Italy. The Jews were spread all over the world and were citizens of many countries, while at the same time remaining Jews by birth. When a Jew who was, for instance, a Hungarian came to Palestine and received Palestinian nationality, he should not be allowed to claim the possession of Hungarian nationality as well. The question of his double nationality, however, had never been satisfactorily decided by the Government of the mandatory Power. The Jew in question, if called upon to perform military service in Hungary, could plead his Palestinian nationality as an excuse for not doing so; at the same time, if it were of any benefit to him to claim his Hungarian nationality he could do that also.

The Proclamation on page 162 of the report whereby the right of option for Palestinian nationality had to be exercised within two years roused serious doubts in the mind of the Chairman. Two years was too long a period in which to allow an immigrant Jew to opt for Palestinian nationality. In most countries a shorter period was allowed for making such an option. In his view the mandatory Power should make arrangements not to receive Jews until they had renounced their former nationality. The rules for renouncing nationality differed in the various countries. He asked that any texts of laws concerning Palestinian nationality should be annexed to the next report and that a definite reply to this question should be given.

Colonel SYMES said that there was no difficulty in answering the question of the Chairman. The British Government had always been firmly opposed to dual nationality. Anyone opting for Palestinian nationality had to renounce his former nationality. It was, however, for his State of origin to require such renunciation rather than for the Palestine Government to do so.

M. ORTS said that the mandatory Power might usefully introduce a stipulation to the effect that Palestinian nationality would be lost if a citizen acquired another nationality.

Colonel SYMES said that such a stipulation was to be found in Article 15 of the Ordinance (page 159 of the report).

The CHAIRMAN could not agree with the representative of the mandatory Power. The Administration should require proof of the renunciation of nationality of the country of origin to be furnished before granting Palestinian nationality. The rules governing the renunciation of nationality differed, as he had already pointed out, in the various countries. In Turkey, for instance, a person could not acquire another nationality without a firman from the Turkish Government, and no country would grant him its nationality unless he produced such a firman. While the Permanent Mandates Commission could, of course, impose no rule on the matter, it could note that difficulties in connection with Palestinian nationality might arise.

Colonel SYMES said that there was, he thought, no substantial disagreement between the views of the Chairman and those of the British Government. Among the qualifications for nationality a period of residence in Palestine was necessary. This, he thought, was the case in most countries. A large number of immigrants who arrived in Palestine had already renounced their nationality before setting foot in the country.

With regard to the period within which the right of option had to be

exercised, this only applied to former Turkish subjects resident in Palestine before the arrival of the mandatory Power, and the provision had been inserted owing to a stipulation of the Treaty of Lausanne.

M. RAPPARD pointed out that most States usually demanded the renunciation by a foreigner of his former nationality before granting him their own. If, however, the Government of the applicant's country of origin refused to release him from his nationality, that was a purely personal matter between the person concerned and his Government, and if he persisted in obtaining the nationality of another Power he did so at his own risk. That Power, in granting its nationality, could not demand proof that the person in question had been released from his former nationality but only proof that he had, so far as he was concerned, renounced it.

Were the Governments of the countries in question informed by the Palestine Government when their former nationals were granted Palestinian nationality?

Colonel SYMES replied that it was the practice of the Palestine Government to inform the consuls of States to which the immigrants belonged whenever Palestinian nationality was granted.

The CHAIRMAN said that the fact that the Palestine Government consulted the consuls of the various countries before granting Palestinian nationality was of great importance. The matter was one of practical interest, especially in connection with the return of unsuitable immigrants. A number of expelled immigrants had, for instance, collected at Trieste, where they had had to be granted relief. The Italian Government had not known whether they were Palestinian citizens or citizens of the States of which they had formerly been nationals.

M. ORTS considered that the question ought to be settled between the Governments concerned and the Palestine Government. It was not a matter for the Permanent Mandates Commission.

M. FREIRE D'ANDRADE referred to the complaints made by the Waad Leumi concerning citizenship. It complained, in particular, of the authority granted to the High Commissioner to withdraw the privilege of citizenship without giving reasons for so doing and without any right of appeal against his decision. The High Commissioner could revoke the citizenship of any person at any time. It also complained of the heavy fees to be paid by the applicants for citizenship. Perhaps a certain number of those complaints might appear to be well founded.

Colonel SYMES replied that the Government had no intention of changing the provision whereby the High Commissioner could revoke nationality. The High Commissioner was not likely to abuse such a power, and there was always the possibility of an appeal to the Secretary of State.

With regard to the cost of acquiring nationality, he considered that a fee of 1 was not an exorbitant rate. Persons resident in the country at the time when the mandate came into force had become Palestinian citizens without the payment of any fee, under the terms of the Treaty of Lausanne. The stipulation therefore only affected immigrants.

M. RAPPARD noted that the Palestine Government did not propose to change the

provision, whereby nationality could be withdrawn without any reasons being given. While the Government was doubtless right in maintaining such a provision, he would like to know its reasons in order to allow the Commission to make some reply to the petition on this point.

Colonel SYMES replied that a similar provision was to be found in very many countries. In Great Britain, for instance, the Home Secretary could revoke a grant of nationality at any moment for no given reason.

M. RAPPARD referred to the difficulties created in the case of persons who had renounced their former nationality, and who then might have their Palestinian nationality revoked for some cause or other. Such persons would then possess no nationality whatever.

Sir F. LUGARD pointed out that the law in question had no doubt been drafted by the best lawyers available for consultation by the British Government, and that if the Commission required any explanations it might ask the mandatory Power to furnish them.

M. VAN REES asked for the text of the English nationality law of 1914 mentioned on page 54 of the report.

Colonel SYMES replied that the principal provisions of that law were reproduced in the Palestine law of nationality which was based on the English nationality law.

M. FREIRE D'ANDRADE referred to another complaint in which the Waad Leumi stated that the new Palestinian citizen and the former Turkish subject were not on an equal footing, for the former could lose his nationality whereas the latter could not.

Mr. CLAUSON replied that if a man were born a Palestinian citizen, his nationality could not be taken away from him by an act of the Administration. The Administration could, however, revoke the grant of nationalisation to an alien, as, in so doing, it was merely reversing its own act. This was the normal principle adopted in, for instance, British legislation. Turkish subjects resident in Palestine who became Palestinian citizens automatically on the detachment of Palestine from Turkey were in the same position as natural-born citizens; and it would be contrary to the principles laid down to deprive such persons of their nationality.

Judicial System; Prison Conditions.

M. FREIRE D'ANDRADE said that complaint had been made regarding the legal system. It was said that the law administered was a mixture of Turkish and British law supplemented by a number of ordinances. There was also a complaint to the effect that no law reports were published and that the system of hearing witnesses was still worse than under Turkish rule. Owing to the ease with which it was possible to obtain a false witness, the Turkish law had laid down that a written deposition had to be made by all witnesses. This was no longer the
case, and the judge was now left entirely free to appreciate the truth of the evidence furnished. The Jews also complained that the Arab judges, who were in the majority, favoured Arab litigants. Finally, they complained that an insufficient number of official interpreters from Hebrew into Arabic were

supplied.

Colonel SYMES replied that it was true that the law administered was in the transition stage. The Ottoman law had been very inaccessible, and it was being brought up to date. A modern system of procedure had been established wherever the Turkish procedure had been found to be faulty. The complaint about the non-publication of law reports was justified. Such reports were about to be issued and would prove of great use. A complete compilation of the ordinances was also about to be published.

He doubted whether a written deposition would deter a really competent false witness from giving inaccurate testimony. While it was true that a large number of the magistrates were Arabs, and that it was sometimes difficult to obtain the services of a good interpreter in their courts, if any act of injustice were done, the victim had the right of appeal to the district courts to which competent interpreters were attached and of which the President was British. In these circumstances, he did not think that any grave miscarriage of justice could occur. Obviously, in a country where the police force was a new one, and where a public opinion, in favour of speaking the truth as a general practice, was not yet a compelling force, the administration of justice in three languages was a difficult matter. Steady progress was, however, being made.

In reply to Mr. GILCHRIST, Colonel SYMES undertook to furnish the Secretariat with a copy of the compilation of the Ordinances and of the law reports of the High Court.

M. PALACIOS enquired whether there had been complaints from the Arabs supplementary to those which had been received in the previous year. Had any new complaints been made with regard to the administration of justice, of the investigation procedure of the prisons, etc.?

Colonel SYMES said that the number of complaints had decreased. Occasionally a Press campaign was conducted, but usually by someone who had lost his case in the courts. In general, however, complaints were fewer.

The courts in Palestine were gradually acquiring the respect and confidence of all sections of the population.

In reply to a further question of M. Palacios, Colonel Symes said that a very great improvement had been made in prison conditions, especially in prisons for women.

Economic Equality.

Sir F. LUGARD pointed out that "tombak" mentioned in the schedule was not included in the definitions in the Tobacco Ordinance of 1925.

Colonel SYMES replied that tombak was a form of tobacco in very general use, but he had no technical knowledge of it. It used to come principally from Persia and was used largely for snuff.

Holy Places.

M. RAPPARD noted that the Commission for the Holy Places had not yet been

nominated. Were there any fresh developments in this connection?

Colonel SYMES replied in the negative. The duty of the Administration, by the terms of the mandate, was solely to preserve the status quo with regard to the Holy Places, and no provision had been made for changing that status quo. Difficulties as they arose were settled by negotiation with the parties concerned.

Freedom of Conscience.

M. FREIRE D'ANDRADE said that, in general, the reply of the British Government to the complaints under this heading were very satisfactory. The Jews, however, in Government employ complained that they were required to work on the Sabbath and on feast days. As, however, this stipulation applied to all religions, M. Freire d'Andrade could understand the reason why the Administration could not make an exception in favour of the Jews. There was, however, a further complaint concerning the difference of treatment granted to Christian and Jewish merchants which was a little more serious. The Christian merchants did not withdraw their goods from the Customs on Sunday and could leave them there without payment of demurrage. The Jewish merchants, whose Sabbath was on Saturday, could not for similar reasons remove their goods, but in this case they were legally liable to pay demurrage.

Colonel SYMES referred to the difficulty of allowing three holidays a week -- Friday for the Moslems, Saturday for the Jews and Sunday for the Christians. Every facility was afforded to merchants, and in actual fact the payment of demurrage was not required from Jews leaving their goods in the Customs on Saturday. As, however, Sunday was the commercial holiday throughout Europe and in Egyptian ports, departments like the Railways and Customs in Palestine could not conveniently adopt another day as the legal rest-day, and Christian merchants were not therefore required to withdraw their goods from the Customs on Sunday.

M. FREIRE D'ANDRADE said that this legal provision appeared to be contrary to the terms of Article 15 of the Mandate in that it affected freedom of conscience. Though the Jewish or Arab merchants were rarely in fact required to pay demurrage they were legally liable to do so and thus the Christians were placed in a privileged position.

Colonel SYMES said that if Article 15 of the Mandate were applied too literally the orderly administration of the country would become extremely difficult and costly.

M. RAPPARD thought that the procedure of the mandatory Power was covered by the proviso that freedom of conscience should be allowed only in so far as public order was not affected. Public order would undoubtedly be disturbed if three full holidays a week were instituted.

M. PALACIOS, while ready to recognise the difficulties to which Colonel Symes had referred, observed that a whole article of the Mandate (Article 23) was devoted to the question of holidays. The drafting of the article was quite categorical on this matter.

Incident at the Wailing Wall.

M. YAMANAKA asked for details of the incident with regard to the lamentations at the western temple wall.

Colonel SYMES said that the Jews were accustomed to go to the western temple wall to bewail the fallen grandeur of Israel. The site, however, which they occupied for the purpose belonged to a Moslem Wakf, and, while the Jews were allowed to go there, they were not legally allowed to do anything which would give the impression that the site in question was their own property. All religious communities did their utmost to prevent each other from acquiring any legal right in the matter of property which they considered to belong to themselves. This being so, the Moslem who owned the site in question had raised objections to the bringing of stools by the Jews to the site, for (they said) after stools would come benches, the benches would then be fixed, and before long the Jews would have established a legal claim to the site. However much sympathy the Administration might feel for the Jews in question, its mandatory duty was to respect the *status quo* and therefore when stools were brought by the Jews on to the site in question the police had to remove them for the Jews were not legally within their rights. If the police had not taken away the stools a regrettable incident would have occurred similar to past incidents.

The question could only be settled by an agreement between the Moslems and the Jews and the Government would do its utmost to promote such an agreement.

TWENTY-FIFTH MEETING
Held on Wednesday, June 23rd, 1926, at 3.30 p.m.
Chairman: The Marquis THEODOLI.

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Present: All the members of the Commission.

592. **Publication of the Minutes relating to the Statement made by M. de Jouvenel, High Commissioner in Syria and the Lebanon.**

The Commission decided that the Minutes of the meetings at which the Administration of Syria was discussed with M. de Jouvenel should be published as soon as revised by the members of the Commission.

593. **Palestine and Transjordan: Examination of the Annual Report for 1925** (*continuation*).

Colonel Symes and M. Clauson came to the table of the Commission.

III. It is the duty of the Permanent Mandates Commission to consider the conditions of military training and organisation introduced by the Mandatory and, if it considers such training or organisation inadequate or excessive, to inform the Council.

IV. The Mandatory has the right to employ the native military forces thus

organised
for the purpose of defending the mandated territory at a distance in the case of B Mandates, but it cannot do so in the case of C Mandates.

C.P.M. 397.

ANNEX 5.

MEMORIAL

IN SUPPORT OF THE VAAD HA'IR ASHKENAZI OF JERUSALEM, SUBMITTED BY THE AGUDATH ISRAEL TO THE PRESIDENT AND MEMBERS OF THE PERMANENT MANDATES COMMISSION.

[*Translation*.] Vienna, October 11th, 1925.

The Permanent Mandates Commission of the League of Nations having received a petition from the Vaad Ha'ir Ashkenazi of Jerusalem, in which reference is made to the counter draft of a Statute for the Palestine Jews submitted by the Agudath Israel (the Israel group), the latter ventures to submit to the Mandates Commission some additional information on the object of this petition.

The Agudath Israel represents, as you know, the great majority of strictly traditionalist Jews *throughout the world*.

The need for thus grouping all Jews firmly attached to their religious traditions in a universal organisation arose when -- by the creation of the Zionist Organisation -- it became clear that there was a tendency to include all Jews in a great association of an exclusively political character. This tendency has constantly developed.

The great spiritual leaders of Judaism realised that such a tendency constituted a great danger for the Jewish religion; it was on their initiative that the Agudath Israel was founded in 1912. Its definite constitution was, however, impeded by the war, and only in 1923, when the first Gueneola Guedolah (Grand Assembly) met, was it possible to draw up the final Statute.

The Agudath Israel regards the integral observance of the Jewish Law as the first duty of universal Judaism, and is therefore opposed to the Zionist programme, which is based solely on a nationalist conception of the Jewish community, religion being regarded as a private and individual concern.

Naturally, the contrast between these two points of view has become particularly marked in the Holy Land. It is this division of opinion which explains the deep-rooted causes of the dispute now calling for your attention.

The Vaad Ha'ir Ashkenazi (Council of the Israelites of the Western Rite) represents a community of 1,600 families which punctiliously recognises the authority of the Jewish Law; its administration is therefore only entrusted to persons who both in private and public life have remained faithful to this principle.

The community is therefore adversely affected, as regards its freedom of conscience and worship, by the fact that it has been constrained to join the Vaad Leumi (National Council), a Council which, as its political and religious powers and duties are inextricably interwoven, might quite well subordinate religious principles to the influence and weight of purely political factors.

The complaint of the Vaad Ha'ir Ashkenazi is based on two facts:

(*a*) The fact that it has been deprived of its rights and independence as a result of a measure adopted by the Palestine Administration, and still in force.

As this measure is purely administrative, the fate of the present petition, which is directed against it, cannot be made to depend on the question of the draft law referred to below under (*b*).

It should also be observed that, before the constitution of the Vaad Leumi, or its local representation, the Vaad Ha'ir Ashkenazi was in uncontested possession of the rights of which it was deprived later.

(*b*) The draft law published by the Palestine Government, which renders impossible the creation of a religious community independent of that represented by the Vaad Leumi.

Although, according to trustworthy information, this draft law has been abandoned, justifiable fears are entertained lest the new draft law which is now being prepared may adhere to the principle of the unity of the Jewish religious community and may thus, contrary to the most elementary rights of the freedom of conscience and worship, abolish the right to found independent religious communities. It is clear that a clause under which any individual may leave the general organisation of the Palestine Jews cannot in any way be compensation for the freedom, which every religious community should be able to claim, to exist as an independent community. To meet the needs of his religious life, *the individual* cannot dispense with the existence of a *community* of co-religionists to which he can belong.

During the negotiations which recently took place between the Zionist Organisation and the Agudath Israel concerning the draft law which has since been abandoned by the British Government, it became clear that that Organisation was not at all disposed to recognise the right, which we claim with all the energy at our command, of forming religious communities independent of itself.

If such a standpoint were admitted, a considerable portion of the Jews in Palestine would be deprived of the freedom which they enjoy elsewhere without controversy.

The Agudath Israel can have no reason to oppose a single Ordinance governing the relations of all the Palestine Jews with the State or the communes if the ordinance in question merely refers to political and economic interests; but it must energetically protest against any suggestion of entrusting to an organisation such as the Vaad Leumi -- the competence of which should be limited to political and economic questions -- the power of organising and administering purely religious communities such as the Vaad Ha'ir Ashkenazi.

We are convinced that, so long as the obligation to obey the Jewish Law has not been universally recognised by the Jews, infringement of freedom of conscience can only be avoided by the formal recognition of the absolute rights of religious communities -- we mean, of course, purely religious communities without any political aims or tendencies -- freely to constitute themselves as separate bodies.

Freedom of conscience being thus guaranteed by the authority of the mandatory Power and the Permanent Mandates Commission, the way will be open for the formation, by free and mutual consent, of "mixed commissions", which would consist of delegates of the various religious communities and would watch over their political and economic interests.

Confident in your high sense of justice, we have the honour, Gentlemen, to be:

For the Political Commission: For the Central Committee:
(*Signed*) E. WEILL, (*Signed*) Dr. T. LEWENSTEIN,
Grand Rabbi of Colmar and the Upper Rhine, Grand Rabbi at Zurich, Member of the
Member of the Political Commission. Central Committee.

For the Grand Rabbinical Council: For the Governing Committee:
(*Signed*) J. FÜRST, (*Signed*) Dr. P. KOHN,
Grand Rabbi in Vienna, Member of the Chairman,
Grand Rabbinical Council. Vienna, 12, Leopoldgasse.

C.P.M. 400.

ANNEX 5a.

OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE MEMORANDUM FROM THE AGUDATH ISRAEL

Letter from the British Government to the Secretary-General of the League.

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London, February 10th, 1926.

With reference to my letter of October 31st last, I am directed by Secretary Sir Austen Chamberlain to inform you that the memorial submitted to the Permanent Mandates Commission by the Agudath Israel has engaged the attention of His Majesty's Government. A commentary containing the views of His Majesty's Government on that memorial has now been prepared, and three copies are enclosed herein for transmission to the Permanent Mandates Commission.

2. The memorial was addressed to the Commission in support of a petition from Vaad Ha'ir Ashkenazi of Jerusalem, which the Commission considered during its seventh session. The Commission showed some disposition to criticise the manner in which they thought that the Ashkenazi community had been treated, and in particular recommended to the Council of the League that His Majesty's Government should be asked to supply further information in regard to several complaints made by the Vaad Ha'ir Ashkenazi. The Council endorsed this request by a resolution passed on December 9th last (League document No.C.743

(1). 1925.VI). His Majesty's Government have no taken steps to comply with the requests made by the Commission; and as soon as the necessary material is received, a further commentary on the Ashkenazic petition will be prepared and forwarded to you.

(Signed) Lancelot OLIPHANT.

COMMENTS BY HIS MAJESTY'S GOVERNMENT ON THE MEMORIAL SUBMITTED TO THE PERMANENT MANDATES COMMISSION BY THE AGUDATH ISRAEL.

The memorialists claim that the Vaad Ha'ir Ashkenazi (Ashkenazi Town Council) represents a community of 1,600 families. If this claim is accepted, the section may be regarded as numbering not more than about 6,000 persons, whereas the total Jewish population of Palestine is about 140,000. The Jewish population of Jerusalem alone numbers about 12,000 persons, of whom 22,000 are Ashkenazic, and the remainder Sephardic Jews.

In order to deal with the allegations made in the memorial, it is necessary to examine the organisation of the Jewish population in Palestine : (i) under the Ottoman regime; (ii) under the British Military Administration; and (iii) since the establishment of civil government.

Under the Ottoman regime, that population fell into two main divisions -- the Sephardic or Eastern, and the Ashkenazic or Western Jews. The Ottoman Government recognised as a regular community only those Jews who were Ottoman subjects. These were mostly Sephardic Jews. The Ottoman Government did not officially recognise either the Vaad Ha'ir Ashkenazi or any other group of Ashkenazic Jews, and the single religious Head of the officially recognised community was a Haham Bashi, or Chief Rabbi, who was always a Sephardic Jew.

Under the British Military Administration, the Jewish community in Jerusalem was not regularly organised. It comprised a number of congregations, each with its own religious Head -- a self-styled Chief Rabbi. The Vaad Ha'ir Ashkenazi was accepted as the representative committee of a particular congregation, and, having been registered as a society under the Ottoman Law of Associations, it received and continues to receive undefined recognition as such.

After the establishment of the Civil Government, the Jewish population proceeded to organise itself throughout Palestine both in religious and lay matters. A Rabbinical Council was elected in February 1921 by an assembly composed of Rabbis and laymen in the proportion two to one. The Council consists of one Sephardic and one Ashkenazic Chief Rabbi and three Rabbis of each section. A public notice published in the *Official Gazette* of the Government of Palestine dated April 1st, 1921, declared:

> "The Government of Palestine will recognise the Council and any Beth Din sanctioned by it as the sole authorities in matters of Jewish Law. It will execute through the Civil Courts judgments given by the Beth Din of the Council in first instance or on appeal as well as the judgments given by any Beth Din in Palestine sanctioned by the Council.
>
> "The appointment of Haham Bashi no longer exists in Palestine; and no

person is recognised by the Government as a Chief Rabbi of Palestine except the Rabbis elected by the Assembly."

The Vaad Ha'ir Ashkenazi had no religious tribunal of its own under the Ottoman regime, and therefore there could be no question of recognising any separate religious tribunal of this section of the community under the Palestine Order in Council 1922, by Article 51 of which only those courts of the religious communities established, and exercising jurisdiction at the date of the Order, could be recognised.

As regards the lay organisation of the community, an elected Assembly was constituted in 1921 representing the Jewish population and chosen in secret ballot by the votes of adult Jews. The elected Assembly appoints an Executive Committee, known as the Vaad Leumi (National Council), which is referred to in the memorial. That Committee is officially recognised as the spokesman of the Jewish population of Palestine and is received by the Government for the discussion of matters concerning internal Jewish affairs. It may be of interest to the Mandates Commission to learn that, at the elections of the elected Assembly held in December 1925, there was a total poll of about 35,000 votes, of which more than half was cast by Orthodox (i.e., observant) Jews.

In addition to the central Council (Vaad Leumi), there is, as part of the present organisation of the Jewish population, a local committee in each town, known as the Vaad Ha'ir (City Council), which is officially recognised by the local administration. The Vaad Ha'ir in Jerusalem represents the great majority of Ashkenazic Jews in that city as well as all the Sephardic section.

After the election of the Rabbinical Council and the Vaad Leumi, the Vaad Ha'ir Ashkenazi, which had refused to take part in those elections, applied to the Government of Palestine for official recognition as a separate community. It was informed that, while there would be no interference with its existence as a separate congregation, it could not be recognised as a separate community or be given any official communal status. A similar reply was given to another group, still smaller in numbers, which likewise applied for recognition as an independent Jewish community. The position, therefore, is that there was no deprivation of rights or privileges previously enjoyed by the Ashkenazi Vaad but only a refusal to grant a new right, namely, the right to be constituted as a separate community with all its attendant powers and attributes. In the opinion of His Majesty's Government, it can scarcely be contended that the denial of this right involved any interference with freedom of conscience and of worship.

The allegation of the Agudath Israel that the members of the Ashkenazi Vaad have been constrained to submit themselves to the National Council (Vaad Leumi) of the recognised community appears to His Majesty's Government to be without substance. The High Commissioner for Palestine has recently reported that, so far as he can judge, there has been no compulsion hitherto, and it is not intended that any regulations which may hereafter be framed for the organisation of the Jewish community in Palestine should make it compulsory for any individual or congregation to come under the control of the National Council.

The memorialists are incorrect in stating that the project of any law or regulation has been published by the Government of Palestine which deals with the organisation of the Jewish community or which renders impossible the creation of a religious community independent of the community represented by the Vaad Leumi. The actual position is that an Ordinance will shortly be published dealing with the organisation of religious communities in general, and that regulations to be issued under that Ordinance for the organisation of the Jewish Community have for some time past been, and still are, receiving the consideration of the Government of Palestine and of His Majesty's Government.

The matter is one in which His Majesty's Government intend to proceed with the utmost
caution.

London, January 29th, 1926.

ANNEX 6.

DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE.

*Letter from the Executive of the Zionist Organisation to the High Commissioner for Palestine.*1/

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London, May 3rd, 1926.

My Lord, -- On behalf of the Executive of the Zionist Organisation, which is recognised as the Jewish Agency for Palestine in Article 4 of the Palestine Mandate, I have the honour to request that the accompanying memorandum on the development of the Jewish National Home in Palestine, 1925-26,2/ may be transmitted through the proper channels to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission.

2. The Secretary-General of the League of Nations has been good enough to forward to the Executive a copy of the Minutes of the Seventh Session of the Permanent Mandates Commission, to which is annexed the Report of the Commission in the form in which it was approved by the Council of the League on December 9th, 1925. It is noticed that reference is made in the report to certain questions which have been raised with regard to the allotment of State and waste lands for Jewish colonisation, as contemplated in Article 6 of the Palestine Mandate. In their letter of September 1st, 1925, which was submitted to the Commission through the medium of the mandatory Power, the Executive felt obliged to draw attention to the fact that these provisions of the mandate had remained substantially inoperative. It is a matter for regret that there has since been no material change.

3. In this connection, the Executive beg leave to refer to the letter addressed by His Majesty's Government to the Secretary-General of the League of Nations under date October 19th, 1925, and printed in the Minutes of the Seventh Session of the Permanent Mandates Commission as Annex 9*a*. It is observed that His Majesty's Government, while not suggesting that Article 6 of the Mandate conceives of the Palestine Government as playing an entirely

passive role, are nevertheless of opinion that "this is a matter in which the Government might reasonably expect the Zionist Organisation to take the initiative". The Zionist Organisation is at some disadvantage in doing so, since its information as to the actual limits of the State lands, and the degree to which they are available, is necessarily less complete than that which is in the possession of the Government. The Executive cannot but think that the Government's co-operation might, in these circumstances, take a somewhat more positive form than would appear to be contemplated. The Zionist Organisation has, however, submitted at least two concrete proposals. Of these, the first relates to the State lands in Southern Palestine and is referred to by His Majesty's Government in paragraph 7 of their letter as being at that time under consideration. This application has not, up to the present, had any definite result.

4. More recently, the Zionist Organisation has submitted a second proposal in a similar sense. It has been encouraged to do so both by the suggestion that it should take the initiative and also by certain statements which appear from the Minutes of the seventh session to have been made to the Permanent Mandates Commission by the accredited British representative. The accredited representative, referring to the allocation of the *djiftlik* land in the Beisan area, is stated, on page 113 of the Minutes, to have informed the Commission that "some of it" (the Beisan *djiftlik*) "might remain unoccupied, in which case it might be given to the Jews". In a further statement on the same point, the accredited representative agreed that there was probably some truth in the reports that the *djiftlik* lands granted to Arab cultivators in the Beisan area were being offered by them for sale to the Jews. It is common knowledge in Palestine that these reports are, in fact, well founded, from which it follows that the allotments under the Beisan Land Agreement of 1921 are to this extent demonstrably surplus to the actual requirements of the cultivators concerned.

5. In these circumstances, the Zionist Organisation has now addressed a twofold application to the mandatory Power. On the one hand, its application relates to such *djiftlik* lands in the Beisan area as the Government may have left at its disposal after the full execution of the 1921 Agreement. In so far as such lands are or may be available, the Zionist Organisation has asked for an opportunity of acquiring them for colonisation on equitable terms. On the other hand, the Zionist Organisation has also requested that it may have reasonable facilities for taking over the rights and obligations of those beneficiaries of the 1921 Agreement who, having been allotted land in excess of their requirements, are voluntarily offering it for sale. The Agreement of 1921 was intended to enable *bona-fide* cultivators of State lands in the Beisan area to become freeholders in consideration of a moderate purchase-price payable to the Government by fifteen annual instalments. It is not and has never been suggested by the Zionist Organisation that there should be any interference with cultivators who desire to take advantage of this Agreement for the purposes for which it was originally designed. What the Zionist Organisation has represented to the mandatory Power is that it would be neither consonant with the spirit of the mandate nor desirable in itself that the cultivators should be authorised to give a good title to the first comer, provided only that he pays the Government the balance of the purchase price in cash. The result must inevitably be to encourage speculation in land, to the disadvantage both of the Zionist Organisation and, in the long run, of the country as a whole. The Zionist Organisation has therefore suggested that, in sanctioning the voluntary transfer of State lands on which

instalments of the purchase price remain payable, the Government should give preferential treatment to public utility bodies which can be relied upon to use these lands for development and colonisation, and that among such bodies the Zionist Organisation should enjoy the priority which in this regard it is reasonably entitled to expect in the light of Article 6 of the Mandate. The preferential treatment which is asked for does not relate to the price which is to be paid to the cultivator but to the manner in which the balance of the purchase price is to be paid to the Government. All that is proposed is that, where the land is being acquired by such a body as the Zionist Organisation, not for resale but for productive use in the spirit of the mandate, the Government should agree to accept payment, at least in part, by a limited number of annual instalments. As regards the present occupiers, the Zionist Organisation would arrange equitable terms with them for the transfer of their rights and obligations, subject to any safeguards for their interests which the Government might think proper to specify.

6. The Zionist Organisation desires to make it clear that the lands to which these proposals relate are, as already stated, exclusively lands which are or may be voluntarily offered for sale. It goes without saying that there is no question of any pressure being brought to bear on any cultivator to part with his land; indeed, the Zionist Organisation would go further, and would agree that no transfer ought to be sanctioned which would leave the seller with less land than he needs for his own requirements. It appears from the recent report of the Permanent Mandates Commission that the mandatory Power is desirous of furthering the settlement of Jews on the land, and has expressed its willingness "to give its very special consideration to any requests which may be made by or on behalf of such settlers for the acquisition of any State or waste lands which may be made available without prejudice to the rights of those belonging to other sections of the population". The Executive feel sure that, in these circumstances, their proposals will receive early and favourable consideration as a first step towards carrying Article 6 of the Mandate into practical effect.

7. The Executive are reluctantly obliged to advert to paragraph 5 of their letter of September 1st, 1925, in which they drew attention to the inadequacy of the Government contribution to the cost of the Jewish schools. They represented that the grant-in-aid was only a fraction of what the Jews were reasonably entitled to expect on the basis of their numbers and of their contribution as taxpayers to the public revenues. The Executive regret to have to point out that this anomaly has not yet been rectified.

8. In dealing with this subject in their letter of October 19th, 1925, His Majesty's Government began by laying down a principle which the Executive respectfully beg leave to question. That principle, if it has been rightly understood, is that where two races speaking different languages live side by side in the same country, there is no necessary connection between their relative numbers and the support to be given to their schools from public funds to which both contribute on an identical footing. In the light of what the Executive believe to be the almost universal practice elsewhere, they venture to represent that the principle stated by His Majesty's Government in paragraph 3 of their letter, while it may be applicable in other fields, can hardly be applicable to the maintenance of schools in a bilingual country. The Executive welcome the educational facilities which have been provided for the Arab population and trust that they may be continued and extended. At the same time, they feel sure that His Majesty's Government cannot themselves be

content with a situation in which a community now constituting nearly 17 per cent of the inhabitants of Palestine receive for their schools only about 3 per cent of the sum appropriated to education from public funds. It is observed with satisfaction that the Government, in its reply to the representations of the Second Jewish National Assembly, has recently intimated in general terms its intention of doing something to redress this inequality. The Executive welcome this mark of good will and trust that the necessary practical measures may shortly follow.

9. There is one other question which the Executive feel it their duty to raise, though they are fully conscious of its delicacy. It relates to an incident which recently occurred in Jerusalem on the Jewish Day of Atonement, when the police were sent by the district authorities to remove seats and benches placed at the *Kothel Maaravi* (the so-called Wailing Wall) for the use of aged and infirm worshippers during the continuous services held there, in accordance with immemorial custom, throughout the Past. No complaint is made of the conduct of the police, who carried out their instructions as considerately as possible, nor is it denied that those instructions may have been justified by the strict letter of the existing law. At the same time, the Executive feel bound to place on record the painful impression caused by this deplorable incident throughout the Jewish world. They earnestly hope that, through the good offices of the mandatory Power and the League of Nations, means may be found of putting an end, by common consent, to a state of affairs which it is impossible to regard without serious concern.

10. Anxiety has been expressed by the Jewish population as to the possible effects of the far-reaching changes now in progress in the arrangements for the defence and security of Palestine. These changes involve (*inter alia*) the disbandment of the Palestine Gendarmerie and its replacement by a Frontier Defence Force. It is understood that a number of Jewish gendarmes are to be given facilities for transfer to the police, but the Executive feel sure that the mandatory Power will at the same time appreciate the legitimate desire of the Jewish population, which was substantially represented in the gendarmerie, to take a corresponding share in the defence of Palestine under the new conditions, and to play its part in the only locally recruited armed force which is to be maintained in the mandated territory.

11. It appears from the Minutes of the Seventh Session of the Permanent Mandates Commission (page 120) that attention was drawn to the statement in the Report of the Mandatory Power for 1924 (page 32) that "typhoid, typhus and dysentery affected only the Jewish population, but with low incidence". On this point the Executive have consulted their Medical Advisory Committee in Palestine, the Va'ad Habriuth, who offer the following observations:

> 1. In the case of the Arab population, more especially in the villages, the notification of infectious diseases is not complete. This is a well-known fact, which is mentioned by the Government Department of Health in its report for 1923.
>
> 2. On the other hand, cases of infectious disease among the Jews are almost invariably dealt with and duly notified either by the Hadassah Medical Organisation or by the Kupath-Cholim. Nearly the whole of the Jewish population comes within the purview of one or other of these bodies, whose activities are more fully described in the accompanying memorandum.

3. The Chairman of the Permanent Mandates Commission suggested that "the Arabs have been accustomed for centuries to drink bad water and have therefore become immune". Though it is probable that the Arabs do for this reason enjoy some degree of immunity, this is not in itself sufficient to account for the official figures, and the explanation is to be sought, at least in part, in the facts referred to above.

4. It is highly questionable whether there is any ground for the suggestion that these diseases have been introduced by carriers among the immigrants. As regards typhus and typhoid, these diseases were known to be endemic in Palestine before and during the war. As regards dysentery, it is ambic dysentery which is mainly prevalent in Palestine, whereas it is well known that in the countries from which the immigrants are drawn dysentery occurs mainly in the bacillary form.

12. n behalf of the Executive, I have the honour to request that this letter may be transmitted to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission at its next session, together with the accompanying memorandum, of which I beg to enclose fifty copies, in English, French and Hebrew.

13. The Zionist Organisation approaches the Permanent Mandates Commission not as a local body speaking for a section of the inhabitants of Palestine but as the Jewish Agency constituted under Article 4 of the Mandate. It is, however, observed that His Majesty's Government state, in their letter of October 19th, 1925, that they prefer as a matter of convenience that such memoranda as that which forms the enclosure to this letter should be submitted through the Government of Palestine, and this procedure has accordingly been followed.

(*Signed*) Ch. WEIZMANN,
President of the Zionist Organisation.

C.P.M. 437.

ANNEX 6a.

OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE LETTER FROM THE ZIONIST ORGANISATION AND ON THE PETITION FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS (MAY 1926)

Letter from the British Government to the Secretary-General of the League.

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London, June 10th, 1926.

With reference to Foreign Office letter No. E.3285/461/65 of June 5th,

transmitting copies of a letter and memorandum from the Zionist Organisation and of a petition from the Executive Committee of the Palestine Arab Congress, I am directed by Secretary Sir Austen Chamberlain to transmit to you the following observations from His Majesty's Government on the documents concerned.

2. *With regard to the memorandum from the Zionist Organisation*, His Majesty's Government have no special comments to offer. In the covering letter, however, a number of points are raised upon which they desire to make observations.

3. *Paragraphs* 2 *to* 6 *of the letter* deal with the question of making State and waste lands available for Jewish colonisation. The general difficulty which has been experienced in dealing with this question was explained on page 32 of the report of the High Commissioner for 1920-1925, and reference to the disposal of the Beisan lands was made on pages 41 and 42 of the same report.

4. An area of ten thousand donams in the Beisan region was offered to the Palestine Zionist Executive for settlement by Jewish ex-soldiers but was declined by them as being unsuitable for the purpose. Until the allotment of areas to cultivators and graziers, in accordance with the terms of the Beisan Agreement, has been completed, it will not be possible to ascertain whether other surplus lands, suited for Jewish settlement, will be available. Very careful consideration has been given to the application by the Zionist Organisation to be granted preferential treatment in respect of the acquisition of land by voluntary transfer from the beneficiaries under the Agreement. Its acceptance would involve a modification of an article of the Agreement and might therefore give rise to apprehension that the whole Agreement was subject to revision and that the Government were prepared to reconsider the intention and principles which led them in the first instance to make these arrangements in the interests of the local -- almost entirely Arab -- population. Official statistics show that since the Agreement became operative in 1922, approximately eighty thousand donams have been allotted; of these, eight thousand eight hundred and three have been sold by villagers of two out of eleven villages in which allotments were made. The statement that allotments of land made under the Agreement are surplus to the actual requirements of individual cultivators requires explanation. It is true that in many cases, owing to several years of poor rainfall, lack of capital and other causes, cultivators have been unable to work their lands successfully; but the Government in the Agreement of 1921 definitely accepted a standard of "actual requirements" under which the beneficiaries have acquired a legal claim to areas of land specifically defined in quantity in the Agreement itself.

5. *Paragraphs* 7 *and* 8 *of letter*. -- The amount of the Government contribution to the cost of Jewish schools is substantially increased in the financial estimates for the current year.

6. *Paragraph* 9 *of letter*. -- The intervention by the police at the Wailing Wall was necessary to prevent a disturbance of the peace between Moslems, who are the legal proprietors of the site, and Jewish attendants who, contrary to long-established custom and
precedent, had introduced seats and benches for the use of worshippers. The incident relates to a dispute of long standing between the Moslem and Jewish communities which, as the petitioners rightly observe, cannot be settled

except by common consent.

7. *Paragraph* 10 *of letter.* -- The Frontier Force to which reference is made in paragraph 10 is open to all sections of the population in Palestine and Transjordan. As the force is required mainly for service in Transjordan, a large proportion of its members have been recruited from that territory. As regards those recruited in Palestine, there is no ban on any section of the population, but the conditions of service are likely to prove more attractive to Arabs than to Jews. The majority of the Jewish personnel in the late gendarmerie have already transferred to the Palestine Police Force, the strength of which has been substantially increased.

8. *Paragraph* 11 *of letter.* -- The statement concerning infectious diseases in the 1924 report, to which objection is made, might more properly have been to the effect that the incidence of typhus, typhoid and dysentery fell mainly upon the Jewish section of the
population.

9. *As regards the petition from the Executive Committee of the Palestine Arab Congress,* the comments of His Majesty's Government are as follows:

10. The main point dealt with in the petition is the alleged failure of the mandatory Government to encourage local autonomy in Palestine. On this point His Majesty's Government would invite reference to pages 44-47 of Sir Herbert Samuel's Report on the Administration of Palestine, 1920-1925, in which a detailed account is given of the successive attempts made by His Majesty's Government to associate the Arab population of Palestine more closely in the government of the country. As Sir Herbert Samuel pointed out, opportunity has been given to the Arabs on three occasions and in three different ways to take part in the direction of public affairs, and three times the opportunity has been declined. His Majesty's Government can add nothing to this statement of the case.

11. I am to request that the foregoing observations may be communicated to the Permanent Mandates Commission of the League of Nations as soon as possible.

12. I am further to transmit to you for communication to the Mandates Commission the accompanying fourteen copies of the Hebrew text of the memorandum by the Zionist Organisation of which the English text was enclosed in Foreign Office letter referred to above.

(*Signed*) Lancelot OLIPHANT.

ANNEX 7.

PETITION FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS 3/

Letter to the Chairman of the Permanent Mandates Commission

Jerusalem, May 9th, 1926.

The Executive Committee of the Palestine Arab Congress, representing the overwhelming majority of the inhabitants of Palestine, have repeatedly appealed to the Permanent Mandates Commission against injustices inflicted upon the Arabs of Palestine by the Mandatory, who, to our strong belief, perverted the true spirit underlying Article 22 of the Covenant of the League of Nations. The members of this Commission have patiently considered most of the complaints raised by our Committee, together with comments and refutations submitted therewith by the Mandatory. But when these complaints and comments thereupon were laid down for discussion by your venerable Commission, it was found that the Commission has allowed an accredited representative of the Mandatory to appear before it, defend the policy of his Government, condemn complaints and refute accusations brought against it by statements' that were either equivocal or inconsistent with facts. This procedure, which gave one party to the controversy the invaluable privilege to appear before the tribunal to defend his case during the obligatory absence of the other party, is rather a degraded novelty in the history of legal procedure.

This one-sided procedure, insisted upon by the Permanent Mandates Commission, gave this Committee an opportunity to invite the Commission to visit Palestine for the purpose of studying this case of worldwide interest on the spot and thus sift and consolidate its information and evidence on the case in general; for it was perceived that it would be at last impossible for the Commission to give a final decision on a case by a one-sided enquiry. Although rejecting this sincere and just request, on the ground that it affects the dignity of the Mandatory, the Commission arrived at our conclusion by declaring, as a consequence of its discussions on our complaints with the accredited representative of the Mandatory in October 1925, that it was unable to give a decision based on documentary information that was refuted by one party or the other. This reasonable decision gave this Committee another opportunity to renew its request that the Permanent Mandates Commission would visit Palestine for the following purposes:

1. To ascertain the general complaints of this Committee submitted to it in 1924 and 1925.

2. To examine the complaint that the present economic conditions of Palestine are exceedingly unfavourable to Jewish immigration.

This Committee believes that such a visit and an exhaustive enquiry on the spot will not only be of immense help to the Commission in giving a final effective decision but would also be of great assistance to the Palestine Administration itself, which is now drifting amidst stagnation and corruption.

Meanwhile, this Committee would reduce its complaints to one general question pertaining to the application of the Covenant of the League of Nations and the mandate, with the hope that in this question the Commission would be able to give a just decision.

Application of Article 22 of the Covenant of the League of Nations and

Article 3 of the Palestine Mandate.

Article 3 of the Mandate for Palestine runs as follows:

"The Mandatory shall, as far as circumstances permit, encourage local autonomy."

In accordance with Article 22 of the Covenant of the League of Nations, the mandate system was applied to Palestine, as to other countries "formerly belonging to the Turkish Empire which have reached a stage of development where their existence as independent nations can provisionally be recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone", in order to conduct its inhabitants to such political freedom as they have been deprived of under the Turkish regime. Thus it is clear, from both Article 22 of the Covenant of the League of Nations and Article 3 of the Mandate, that it is the foremost duty of the Mandatory to enlarge the sphere of political freedom in Palestine with the view of finally establishing an independent Government.

These fundamental provisions have been totally violated by the Mandatory of Palestine; for, instead of augmenting the political freedom enjoyed by Palestinians under the Turks, it had reduced them to the point of nullity. The Palestinian under the Turk elected his village representative, called Mukhtar, his Mayor and Municipal Council in town, the members of the Administrative Council, who administered the district under the presidency of the Governor, the members of the Common Council, who legislated for all questions relating to local affairs of the district, and finally his member of Parliament at Constantinople, where the general affairs of the Empire were freely discussed. Under the British mandate, the village representative is in practice appointed by the District Governor, the Mayor and the Municipal Council are appointed by the High Commissioner, the Administrative and Common Councils do not exist, and the Parliament is out of the question.

In order to cover these unanticipated actions, the Mandatory offered to Palestine the
establishment of a Legislative Council, constituted of ten official British nominated members, two elected Jewish members and ten elected Arabs, under the presidency of the High Commissioner, who possessed a casting vote. Thus the Government officials in the Council together with the two elected Jewish members who form one party to the controversy form a majority of thirteen members against an Arab minority of ten members. Moreover, the High Commissioner was given the power to veto any decision of the Council, the sphere of jurisdiction of which was very limited.

The inhabitants who have already enjoyed the privileges of a democratic system of government found this offer a very meagre substitution for all that they enjoyed under the Turks and so they rejected to co-operate with the Government on the basis of that proffered
sham Constitution.

The Mandatory clings to the plea that an elected Legislative Council would lay the overwhelming majority of the members in the hands of anti-Zionist Arabs, who would oppose the Administration in applying such terms of the mandate that effect the establishment of a

Jewish National Home. Although this Committee declares that, now and forever, any Arab of reason and love to his country in any territory of the Arabic-speaking countries is bound to oppose Zionism as being most detrimental to the Arab national cause, yet it does not find any weight in that plea of the Mandatory as long as it realises that fundamental questions underlying the general policy of the mandated territory fall within the jurisdiction of the League of Nations alone.

The unfounded fears of the Mandatory for the Zionist experiment are alienating the co-operation of the majority of the inhabitants and owners of the country and enhancing opposition, thus creating an inflammable political and poisoned economic atmosphere.

The Executive of the Palestine Arab Congress desire to urge that a national independent democratic government, in which Arabs and Jews would be represented in proportion to their numbers, should be established in Palestine.

The General Secretary, Executive Committee,
Palestine Arab Congress:
(*Signed*) Jamal HUSSEINI.

ANNEX 8.

MEMORANDUM 4/

SUBMITTED THROUGH HIS EXCELLENCY THE HIGH COMMISSIONER OF PALESTINE TO THE PERMANENT MANDATES COMMISSION OF THE LEAGUE OF NATIONS BY THE NATIONAL COUNCIL OF THE JEWS OF PALESTINE, JUNE 1926

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In accordance with the provisions of the Covenant of the League of Nations, which confer the right upon each group or section of a territory administered under mandate of the League of Nations to submit to the League petitions or memoranda, we, the members of the National Council of the Jews of Palestine, the executive organ of the Elected Assembly -- a body chosen by general democratic election (see Appendix A)5/ -- have the honour hereby to submit to the Permanent Mandates Commission of the League of Nations the following memorandum bearing on the situation and development of the Jewish " Yisub " 6/ in Palestine, its requirements from the mandatory Government, based on its vital needs and the provisions of the mandate for Palestine, and the outlines of such constructive schemes as may promote our work of colonisation in the future.

The Jewish community in Palestine, which during recent years has developed and progressed to a remarkable degree, is not a new-comer in the country. Throughout the whole
period subsequent to the destruction of the Temple and dissolution of the Jewish State to recent times, despite all the trials and vicissitudes besetting the country, in every age, there has not ceased to exist in Palestine a Jewish community; nor has the strong link binding the Jews in the Diaspora to their historic homeland ever been severed. Each generation saw

individuals and groups going to Palestine and settling there.

A decisive increase and development of the Jewish population, however, was marked only in the last half-century, and was a direct outcome of the modern Jewish national movement. It was in the early eighties of the nineteenth century that, as a result of economic pressure, harsh laws and renewed persecution of the Jews of Russia, on the one hand, and the influence of the cultural and intellectual development of the Jewish masses, on the other hand, a movement of national reconstruction was inaugurated to improve the economic situation of the masses, who had been forcibly estranged from agriculture and other productive occupations, and to revive national culture under conditions of national and political freedom in the historic homeland.

This movement served as a basis for the initiation of those economic and cultural achievements of the Jews in Palestine which have been described in various memoranda submitted to the League of Nations in recent years by the Jewish Agency. From the inception of the Jewish national movement, intensive immigration to Palestine began and since then a steady stream of immigrants has been entering the country, there to work and to create new economic enterprises. During a period of about thirty years, up to the outbreak of the World War, tens of agricultural settlements were established, arable land and plantations cultivated, and thousands of Jews transferred to agricultural work; suburbs were built adjoining the principal towns, including Tel-Aviv, the first modern Jewish city in Palestine, which was founded in 1909 and today numbers over 40,000 inhabitants; a network of modern schools was created: kindergartens, elementary schools, secondary schools, professional and technical institutions; the Hebrew language sprang to life again, once more serving as the means of intercourse between Jewish institutions and organisations, and of municipalities and village councils, and again becoming the vernacular of the business people and the common speech of the youth and of the majority of the new working Yishub. In the towns the Jews created many new trades and businesses; an important beginning was likewise made towards the creation of modern industries. Yet, on the whole, Jewish activity in that period was limited and restricted. The desolate state of the land, its abandon and neglect, the frequent interference with the work of the Jews on the part of the Administration, the inexperience of the immigrants, who were called upon to change their customary way of living and engage in new occupations under novel and adverse conditions, prevented rapid and extensive development. Nevertheless, the energy and idealistic enthusiasm of the pioneers prevailed, and gradually Jewish activities increased and expanded; gradually the foundations were strengthened, and on the outbreak of the world hostilities the members of the Jewish Yishub, which was in a state of economic expansion and stabilisation, numbered 85,000 souls.

This development was interrupted by the World War, which brought in its train upheaval and disturbance for the Jewish population to such degree that at the Armistice only 55,000 Jews were left alive in the country, the number having been depleted either by exile or famine.

From 1920 onwards there was a remarkable revival, and considerable progress was made in Jewish constructive effort in Palestine. The new political conditions, the new prospects for Jewish activity opened up by the renowned Declaration associated with the name of Lord Balfour -- by which his Britannic Majesty's Government undertook "to use their best endeavours to facilitate the achievement of this object" (the

establishment of a Jewish National Home) -- breathed new life into the Jewish Yishub in Palestine, strengthened the will of the Jews in the Diaspora to assist in the upbuilding of the ancient homeland, and inaugurated a new epoch in immigration into Palestine.

Yet even this period of Jewish colonisation commenced under unfavourable conditions. It was extremely difficult indeed to repair the economic ravages of the war. The economic crisis which beset most of the European countries did not spare Palestine. A storm of disasters and pogroms passed over millions of Jews in the countries the large Jewish communities of which had always served as centres of Zionist activity. The absence of a fixed political status in the country and the postponement of the ratification of the British mandate over Palestine brought in their train a feeling of insecurity. These were the conditions in which we were compelled to pursue our economic and cultural activities in the early stages of the new period. Nor were these conditions soon improved. Even the economic and administrative reforms of which the country stood in need and which were eventually introduced by the British Civil Government, such as the reforms of the judicial and financial systems, were carried out only haltingly and to a degree which did not correspond to the vital needs of the country.

A particular obstacle to Jewish activities during this period took the form of a campaign to incite hatred against the Jews, instituted by a section of the Arab population, which led to disturbances and sacrifices of life and property of the Jewish community. The Jewish Yishub has at all times striven wholeheartedly for the maintenance of peaceful relations with its neighbours, the Arabs. The work of the Jews has benefited the country and all its inhabitants. The millions of pounds brought into the country by the Jews and invested in enterprises have enriched a large proportion of the inhabitants and also the Government Treasury. The towns in which Jews have settled have progressed and developed both economically and culturally; Arab villages in the neighbourhood of Jewish colonies have roused themselves from their former primitive state, have progressed and improved beyond recognition. They have learnt from their Jewish neighbours modern methods of agriculture and modern methods of labour. The Jewish community is confident that the development of their achievements and the progress of all nationalities in the country, drawn together by common interests, will with time cut away the ground from under any campaign of artificial hatred, and eventually bring about stable and permanent friendly relations between all sections of the population. The Jewish people of Palestine have taken advantage of every opportunity to assert that it is their fervent desire to create and maintain such peaceful relations as will make Palestine, through the united efforts of both nationalities, a prosperous State, ensuring for all sections free and unhampered economic, cultural and national development.

Yet the spirit that was engendered in a section of the masses in the period of the war and the subsequent disturbances, a spirit of abandon and contempt for law and order, and the effects of many generations of personal and clan blood-feuds, of chauvinistic tendencies and exaggerated pan-Arabic aspirations artificially inculcated and fostered with the assistance of foreign agents -- all this gave rise to a campaign of hate, endangering public peace. With time, this spirit of conflict gradually subsided, eventually to disappear. The Government found the way to ensure peace, and Palestine has become indeed one of the most tranquil countries in the Middle East. The Jewish community sees in its own colonising and cultural activities

an important factor and guarantee of the security and maintenance of peace and the establishment of friendly relations between all sections of the inhabitants.

Despite all these obstacles and hindrances, it may be observed that much has been achieved during these years in economic and cultural spheres by the enterprise of the Palestine Jews. During the past six years, about 100,000 Jews have entered the country, about 175,000 acres of land have been purchased and exploited in the interests of civilisation, about sixty new agricultural settlements have been established, new towns and suburbs erected, important industries started, hundreds of large and small commercial enterprises created, a network of co-operative institutions catering for the public needs and services established, tens of schools and diversified educational and cultural institutions -- from a kindergarten to a university and technical high school -- founded, a large active and flourishing Hebrew Press,

Nauru.

Education. -- The Commission would be glad to have further information with regard to the working of the Royalty Trust Fund in so far as public instruction is concerned and also
as to the sums set aside by the Administration for the education of the natives.

New Guinea.

1. *General Administration.* -- The Commission hopes that the mandatory Power will make every effort to bring under its effective administration and control a greater portion of the mandated territory. It will follow with special interest the work of training a staff of officials fully qualified to cope with the problems peculiar to this tropical territory and its inhabitants.

2. *Labour.* -- The Commission notes with satisfaction the appointment of an inspector of native labour, and the offer of the accredited Representative to furnish it with a summary of his reports.

It appears that over one-eleventh of the total enumerated population is working as indentured labourers under long-term contracts. The Commission would like to know what proportion of these labourers accept a second contract without returning to their homes.

3. *Public Finance.* -- The Commission would like to have a complete statement of the loans, advances, gifts, etc., made by the mandatory Power to the territory; and of the obligations of the territory to the mandatory Power which have resulted from these transactions. Further information as to the deficit existing at the close of the military administration would also be appreciated.

The Commission would be glad if a statement could be printed in future reports showing the total expenditure in the territory under the various heads, such as administration, education, public health, etc.

It will welcome the full explanation which the accredited Representative

offered to furnish as to the meaning of the expression "Other trust funds" on page 35 of the report.

OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION
ON THE PETITIONS CONSIDERED IN THE COURSE OF ITS NINTH SESSION.

In the course of its ninth session, the Commission examined five petitions and the observations made by the mandatory Powers concerning them. A report on each petition was prepared by a member of the Commission. After discussion and amendment, the conclusions of these reports were adopted by the Commission. The reports are printed in an annex to the present document.

Appendix

REPORTS ON PETITIONS.

A. Palestine.

I. PETITIONS FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS, DATED APRIL 12th, 1925, AND MAY 9th, 1926.

(a) REPORT BY M. L. PALACIOS.

Geneva, June 19th, 1926.

The Chairman of the Mandates Commission on March 31st last requested me to continue to act as Rapporteur to the Commission in the matter of the petition from the Executive Committee of the Arab Congress.7/ The Commission, after protracted discussions, resolved in October 1925 on M. Rappard's proposal, to *postpone* any final decision on this matter.8/

The reasons in favour of this course were:

(1) The Commission doubted whether it could make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents; and

(2) It had been informed that further petitions would shortly be submitted to it by the same persons (Minutes of the Seventh Session, page 136).

Since then the Commission has received no new information, nor has it in fact received further petitions.

It has not even received the documents which the Representative of the mandatory Power promised to send it on the Rutenberg concessions, one of the questions which had given rise to controversies (Minutes, page 121). In the report on Palestine and Transjordan, however, which was received a few days ago, certified balance-sheets are submitted in respect of the *Jaffa Electric Company, Limited*, and the *Palestine Sall Company, Limited* (pages 84 to 89).

The Commission has, in fact, received no new petitions, as the petition sent to the Chairman of the Commission on May 9th last,9/ signed by the Secretary of the Executive Committee, Jamaal Husseini, and accompanied by the British Government's observations thereon, dated June 10th, which reached me only to-day merely lays stress:

(*a*) On the suggestion previously made to the Commission that it proceed to Palestine to study the points mentioned in the petitions of 1924 and 1925 and the questions concerning Jewish immigration.

(*b*) On the failure to apply the provisions of Article 22 of the Covenant and Article 3 of the Mandate, which provide for representative government and local autonomy.

The brief enumeration of these points will enable the Commission, which knows the former documents, to realise that the present petition is not a fresh one, but merely a more urgent reiteration of the previous one.

In the most recent petition, for the first time, the Executive Committee of the Arab Congress does not take up an attitude of radical and total opposition to the Mandate, but merely complains of the alleged non-application of part of that Mandate. This is a point of importance and should be appreciated, for, from the point of view of one who wishes to see the Mandate strictly observed, I consider it a definite step forward.

On the other hand, the British Government's observations only concern what it considers the main point dealt with in the petition, that is to say, the fact that local autonomy has not been developed in the mandated territory.

Therefore, in so far as the Commission is concerned, the situation has not changed since last year. In respect to this question, our discussions, our agreements, our differences of opinion and our decisions would perhaps not differ greatly from those already recorded in the previous minutes and resolutions.

Meanwhile, however, a further development of fundamental importance in this question has occurred. I refer to a resolution adopted by the Council of the League of Nations which appears to embody a guiding principle applicable to this matter and which may compel us to adopt a new method. This resolution is to be found in M. Unden's report adopted by the Council on December 9th, 1925. It contains the following passage concerning the Commission's resolve to postpone its final decision on the Arab petition: "In a matter of this kind, as in many others, the Commission is always acting *under certain limitations*. This is recognised by the Council which . . . would under the circumstances described only ask the Commission to give a statement of the best judgment it could *form from the information placed at its disposal.*"10/ According to this resolution, any recourse to means of information on this and similar questions other than those already placed at our disposal would appear to be excluded; in these circumstances we may have to examine afresh -- in the light of the various explanations which may be submitted to us during the present session -- the second part of the petition, that is to say, the allegations of the Executive Committee of the Arab Congress and the British Government's observations thereon. Both are to be found on pages 164-180 of the Minutes of the Seventh Session of the Mandates Commission and in the more recent documents, dated May 9th and June 10th of this year, already referred to.

As Rapporteur I shall merely recapitulate the allegations in question and submit to the Commission such observations as seem appropriate.

1. *Rutenberg Concessions*. -- The Arabs object to three distinct concessions: the Jordan concession, the Haifa project and the Auja concession at Jaffa. They hold that, in view of the vital interests involved, these concessions should have been advertised according to rule, in order that the population of the country might be aware of the facts. Furthermore, they consider that all of these concessions should have been granted by the authorities in accordance with the regular administrative procedure, and that the financial conditions which govern such concessions should have been fulfilled in any case.

The mandatory Power has taken the arguments advanced against the three concessions together, in order to reply to them at the same time. It has summarised them, it is hardly necessary to say, in a strictly objective manner. It further gives the formal assurance that the financial conditions governing the concessions have been fulfilled. The preliminary advertising of these different concessions does not, however, appear to have been very extensive. The mandatory Power states that there was no representative body which could have been consulted in a matter of this kind, nor any local authority which would have been competent to grant the concessions. In this respect its statements do not differ materially from those of the Arabs. In fact, the technical and financial importance of enterprises of this kind and, in particular, the undoubted advantages of every description accruing to the country therefrom may justify -- within certain limits imposed by respect for public opinion -- the retention by the Central Government of the control which is indispensable.

2. *The Sall Concession*. -- The Executive Committee points out that the Government loses 55 piastres per ton of salt and that the population has to pay a high price for salt because, in the beginning, a Jewish concession was granted without being put up for public tender and that later an Arab tender, said to be more favourable, was refused. The mandatory Power does not deny having granted the concession, which is to terminate in 1926. It does not mention whether the concession was publicly advertised. The price for the Palestine Government was not to exceed the wholesale price in Egypt by more than 65 piastres per ton, representing the cost of transport. The statements submitted by both parties concerning consignments of salt of poor quality are not very clear.

3. *Kabbara Concession*. -- The statements of both parties are very contradictory and somewhat confused. The Arabs allege that the land leased, or at least a part of it, did not belong to the State, that the Barat Cæsarea property could not be disposed of, that no agreement had been arrived at with the 75 families concerned, although these families are in difficult circumstances, and that there could be no question of undertaking to reclaim and develop a malarial area in a district consisting of sand-dunes and mountainous and rocky country. The mandatory Power, on the other hand, states that measures had been taken to exclude from the area leased to the Jewish Association all lands to which a right of ownership by the Arab settlers was recognised, that suitable agreements had been reached with the other persons concerned, that the Government insists that this work of reclaiming and settlement, which is a heavy burden on the Association, should be carried out in the general public interest.

4. *Elections and Representative Bodies*. -- The allegations contained in the 1925 petition are corroborated by those made in the petition of May 9th,

1926, concerning the absence of self-government in the central and local administrative bodies.

In its observations, the British Government stated last year that the great majority of elected councillors (23 out of 25) represented Arab villages and that, since the promulgation of the Order in Council of July 1925 on Palestine nationality, the transformation of the municipalities of the larger towns has been under consideration. The British Government, in its communication of June 10th, recalls the fruitless efforts made by the mandatory Power to form central representative bodies which were to have a share in the government and refers to pages 44 to 47 in Sir Herbert Samuel's Report on the Administration of Palestine from 1920 to 1925.

5. *Drainage System and Cemeteries*. -- The Executive Committee draws attention to the loss caused to the Arab population, and the violence done to their beliefs, by the drainage system and by the closing of the Mamilla cemetery, both of which measures are for the benefit of the Jewish quarters. The Administration states that the sewerage construction work has been suspended because of lack of funds, and that reasons of public health have led to the prohibition of further burials in a spot which, owing to the increase of the population, is already surrounded by buildings.

6. *Inquisitorial Proceedings of the Police*. -- In reply to the Arab Committee's allegations, the mandatory Power states that these charges are for the most part merely the results of political agitation, that the persons prosecuted were ordinary criminals, and that in one or two cases only has impartial investigation confirmed the alleged facts. It is pointed out that the prisons of Palestine are not unsanitary, and that conditions in them are not bad. The mandatory Power has, moreover, stated that most of the proposals of a special Committee appointed to consider the treatment of prisoners for debt have now been put into effect.

7. *Legislation*. -- The different points referred to by the petitioners as contrary to the Sharia have been refuted or explained by the mandatory Power. In any event, there should be no difficulty in arriving at peaceful solutions by means of the work of consolidation and reform which the Government has begun. It is to be hoped that those interested will come to an understanding with a view to formulating in a practical shape just and equitable proposals on these complicated questions.

8. *Jewish Immigration*. -- After referring to certain instances, the Arab Executive Committee asserts that the Permanent Mandates Commission's observations on the immigration policy in Palestine have not had the slightest effect. The mandatory Power gives satisfactory explanations concerning the instances mentioned.

9. *Flags, National Hymn, and Name of the Country*. -- The mandatory Power replies fully to the Arab allegations. It states that there is no objection to members of Arab political organisations displaying any colours they please. The Jewish hymn is not officially recognised; the British Government does not deny the truth of the Arab Executive Committee's allegations, but explains the difference in ceremonial procedure by the fact that there is no hymn as much respected among the Arab population as the Jewish hymn is in the Jewish communities. The use of the initials of Hebrew words in the national title is a compromise based on existing custom and approved by the

Government.

It is only necessary to read this résumé to understand the reservations made last year by the Commission and to appreciate how difficult it is from a distance to form an opinion with any great confidence on such complicated questions.

Most of these questions have already been considered in previous years when the reports were examined in the presence of the accredited Representative of the mandatory Power, and some or all of them may and should again be taken up at this session when the 1925 report is discussed.

I propose therefore that the Commission should again hear the accredited Representative of the mandatory Power before coming to any definite conclusions.

(b) CONCLUSIONS SUBMITTED BY M. PALACIOS AND ADOPTED BY THE PERMANENT MANDATES COMMISSION ON JUNE 25th, 1926.

In accordance with the report of M. Unden, which was adopted by the Council of the League of Nations on December 9th, 1925, the Permanent Mandates Commission has continued the examination of petitions submitted in 1925, and on May 9th, 1926, by the Executive Committee of the Palestine Arab Congress, and it has endeavoured "to give a statement of the best judgment it could form from the information placed at its disposal".

After having, at its present session, heard the explanations of the accredited Representative of the mandatory Power, the Commission considers that it is able to submit to the Council the following conclusions regarding the various allegations contained in these petitions.

(*a*) The Commission hopes to receive from the mandatory Power the promised documents with regard to the *Rutenberg concessions*. Nevertheless, it agrees with the mandatory Power in considering that the technical and financial importance of enterprises of this type, and particularly the undoubted advantages of all kinds which they involve for all classes of the population, justify the Central Authority in reserving to itself full liberty of action. It is, however, desirable that concessions of this kind should be given the fullest publicity, and that sufficient time should be allowed and such definite rules be applied as to avoid adverse criticism.

(*b*) As regards the *salt concessions*, the Commission takes note of the new general regulations which have been issued and of the mandatory Power's intention of observing the strictest equality between those interested as soon as the present concession has expired.

(*c*) The Commission notes with satisfaction the accredited Representative's explanation regarding the arrangements made and the progress achieved in the matter of the *Kabbara concession.*

(*d*) As regards the complaints of the petitioners in the matter of *elections, the representative bodies and local autonomy*, the Commission was glad to note the accredited Representative's statement to the effect that the Arab section of the population is gradually abandoning its attitude of non-co-operation with the Mandatory Power. It should, in consequence, become increasingly easy

to find suitable persons to take part in the work of the representative bodies.

(*e*) The Commission has noted that the complaints concerning the alleged *inquisitorial methods of the police and the prison system* have now ceased to have any foundation.

(*f*) The Commission considers that *the reform of the civil and penal legislation* is fully justified in the interests of the population and that it is being carried out with all possible regard for the principles of the Sharia.

(*g*) While renewing the recommendations already made on the subject of *Jewish immigration*, the Commission takes note of the accredited Representative's explanations. It hopes that immigration will continue to be in proportion to the country's power of absorption on the land.

II. MEMORANDUM FROM THE AGUDATH ISRAEL DATED OCTOBER 11th, 1925. REPORT BY Mrs. A. WICKSELL.

The paper of the Agudath Israel presented to the Chairman and members of the Permanent Mandates Commission date October 11th, 1925,11/ is not a petition in the proper sense of the word. It is a memorandum in support of a petition sent by the Jewish Ashkenasic community of Palestine, the Waad Ha'ir Ashkenazi,12/ upon which the Commission pronounced in the report on its seventh session.

The Agudath Israel was formed to counterbalance Sionism and to group in a universal organisation all Jews attached to their religious tradition against an organisation with a tendency to include all Jews in a purely political organisation. It holds that the community of orthodox Jews in Palestine, the Waad Ha'ir Ashkenazi, has lost its freedom of conscience and its right of worship through being obliged to remain incorporated in the National Council, Waad Leumi, in which political and religious attributions are indissolubly bound together and where consequently the religious principle might be subordinated to factors exclusively political. It endorses the complaints of the Waad Ha'ir Ashkenazi, both as regards the actual position of the orthodox group in its relations to the existing Waad Leumi and as regards the draft law on the formation of a Jewish community. With reference to the actual position, it asserts that, before the constitution of the Waad Leumi, the Waad Ha'ir Ashkenazi, was in uncontested possession of the liberties of which it was later deprived, and, with regard to the creation of a universal Palestinian Jewish community, it claims the right for the Waad Ha'ir Ashkenazi to form an absolutely independent religious community.

The mandatory Government has commented on the memorial of the Agudath Israel.13/ According to the information there given and to the statement of the interested congregation itself, the section of the Waad Ha'ir Ashkenazi may be regarded as numbering not more than about 6,000 persons, while the total Jewish population of Palestine is about 140,000.

Under the Ottoman regime, neither the Waad Ha'ir Ashkenazi nor any other group of Ashkenasic Jews were officially recognised. It was, however, registered as a society under the Ottoman Law of Associations, and under the British military administration it received, and in fact continues to

receive, undefined recognition as such. It had under the Ottoman regime no religious tribunal of its own, and as, under the Palestine Order in Council, Article 51, only those courts of the religious communities which were established and exercised jurisdiction could be recognised, no separate religious tribunal of this section was recognised by the civil government.

After the establishment of the civil government, the Jewish population of Palestine, in 1921, proceeded to organise itself both in religious and lay matters. It created a Rabbinical Council consisting of one Sephardic and one Ashkenazic Chief Rabbi and three Rabbis of each section. It also constituted an elected Assembly, chosen by secret ballot by the votes of adult Jews. This Assembly appoints an Executive Committee known as the Waad Leumi, and this Committee has been officially recognised as the spokesman of the Jewish population. In addition to this central Council there is a local Committee in each town, the Waad Ha'ir, which is officially recognised by the local administration.

The Waad Ha'ir Ashkenazi took no part in the election of these different bodies, but applied to the Palestine Government for official recognition as a separate community. Another still smaller group acted in the same way and to both the answer was given that there would be no interference with their existence as separate *congregations*, but that they could not be recognised as separate communities or given any official communal status. The mandatory Power maintains that there has been no deprivation of rights or privileges previously enjoyed by the Ashkenazic Waad, but only a refusal to grant a new right, namely, the right to be constituted as a separate community with all its attendant powers and attributes, and the mandatory Power is of opinion that the denial of this right involved no interference with freedom of conscience and of worship. According to the mandatory Power, there has been no compulsion hitherto to make the Waad Ha'ir Ashkenazi subservient to the Waad Leumi, and it is not intended that any regulations which may hereafter be framed for the organisation of the Jewish community in Palestine should make it compulsory for any individual *or congregation* to come under the control of the Waad Leumi.

The position at the time when the mandatory Power made its observations was that an ordinance was shortly to be published dealing with the organisation of religious communities in general, and that regulations to be issued under that ordinance for the organisation of the Jewish community were still under consideration by the Government of Palestine and the Government of the mandatory Power. It is the intention of the mandatory Power to proceed in this matter with the utmost caution.

On February 15th, the Religious Communities Ordinance 1926 was published in the *Official Gazette*, and on April 16th it was duly promulgated and came into force.

According to this Ordinance, the initiative is left to the community itself to organise a religious community with autonomy for internal affairs. Separate regulations will be made in each case, suited to the special circumstances and organisation of the community concerned. These separate regulations may provide for the constitution of religious and cultural councils or boards possessing legal personality. They may also bestow upon these councils or boards powers to impose upon members of the community contributions or fees for communal purposes, recoverable in the same way as

municipal taxes or fees.

It is not stated what other rights or powers are incorporated in the expression "autonomy for internal affairs". Presumably these rights will differ for the different communities and can only be ascertained when the separate regulations are issued. Nor is any definition given of what will be considered a religious community. Beside the Mohammedan and the Jewish religion, the third important religious element in Palestine is the Christian. If that element should want to be constituted as a separate religious community, must it then form one common organisation, or will the Greek orthodox, the Roman Catholic and the Protestant sections be permitted to organise separately? This question is absolutely analogous to that raised by the Waad Ha'ir Ashkenazi and the Agudath Israel and presumably must be solved in the same way.

It is the duty of the mandatory Power and of the Permanent Mandates Commission to ensure to all inhabitants of Palestine complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It is evident that this is a difficult task where the religious life of a section of the population seems to permeate everything, including what we are accustomed to consider as purely political or municipal functions. The little Ashkenazic congregation in question protests against the mere fact of being incorporated into an organisation where women vote and where such public certificates as they may need are issued by authorities not belonging to their own special sect.

According to the memorandum of the Agudath Israel, there are orthodox Jews in all civilised countries. There they certainly live under the national legislation of those countries, and if they can live, say, in England, subject to English courts and regulations, without being wounded in their religious feelings, it is difficult to see why they should not be able to live within a common Jewish community in Palestine. They will certainly enjoy in Palestine the same liberty which is granted to them in England and makes it possible for them to live there.

It is, however, impossible for the Permanent Mandates Commission to judge whether the Waad Ha'ir Ashkenazi and the Agudath Israel are justified in their complaints until the separate regulations for the Jewish community have been promulgated and put before it. As yet we do not know what powers, under these regulations, will be given to the central and municipal authorities of the different religious communities, to what extent, if any, they will be allowed to legislate for themselves and so on. In matters of family law, for example, there is a great difference between the very orthodox Jews and the more progressive element, and if legislative powers in such matters are given to the community, the very orthodox section certainly may claim at least as much liberty to regulate their own family life in Palestine as is accorded to them in England.

Under the very peculiar circumstances which prevail in Palestine, it may be necessary to take such an unusual and perhaps even dangerous measure as that of creating special religious states within the State. But the problem will be extraordinarily difficult both with the Jewish community and with the Christian community, which is split up into a still larger number of sects than the Jews. It will require much wisdom, much patience and much willingness to acknowledge mistakes, qualities that are rarer still in a

state than in individuals.

As the text of the separate regulations for the Jewish community has not been promulgated, no exact conclusion can be reached regarding the case of the Waad Ha'ir Ashkenazi as presented in the memorandum of the Agudath Israel. The Permanent Mandates Commission takes note of this memorandum, and of the observations thereon of the mandatory Power and will bear them in mind when the proposed regulations have been put into force and placed before it.

III. LETTER DATED MAY 3RD, 1926, AND MEMORANDUM FROM THE ZIONIST ORGANISATION IN PALESTINE. REPORT BY M. C. YAMANAKA.

1. The Secretary-General of the League of Nations has received through the mandatory Power a memorandum from the Zionist Organisation, with a covering letter to the High Commissioner for Palestine, dated May 3rd, 1926.14/

The mandatory Power has also sent to the Secretary-General its observations dated June 10th, 1926, on these documents.15/

2. The memorandum from the Zionist Organisation gives interesting information regarding the work of this organisation in its capacity as the Jewish agency for the development of the Jewish national home in Palestine during the year 1925-26. It refers to the situation of the Jews in Palestine as regards immigration, agricultural colonisation, the development of the towns, industry, hygiene and public health services, education and finance. It also contains information regarding the Jewish community in Palestine, and the relations between the Zionist Organisation and the Jewish Agency for Palestine. The memorandum is therefore of a purely documentary nature, and I do not think it calls or any comments.

In the covering letter, however, four complaints are made regarding:

(*a*) The allotment of land; (b) education; (c) the incident at the "Wailing Wall";

(*d*) the formation of a Frontier Defence Corps.

3. As regards the question of making State and waste lands available for colonisation, the letter refers to two sets of facts:

(A) The Zionist Organisation repeats the request it made last year that the Government should allocate State and waste lands to the Jewish colonists for intensive settlement.

In this connection, the mandatory Power observes that the Government recently offered a certain tract of State land in the Beisan region to the Zionist Executive Committee. The land, however, was refused as being unsuitable for the purpose in view. The mandatory Power also explains that it will not be possible to ascertain what State lands will be available for Jewish colonisation until the allotment of these areas to the native inhabitants who have title to them has been completed.

I consider that these explanations on the part of the mandatory Power are adequate.

(B) The Zionist Organisation claims preferential treatment and priority in respect of the acquisition, by voluntary transfer on the part of cultivators, of State land on which purchase-annuities remain due.

In this connection, the mandatory Power gives very detailed explanations, clearly showing the reasons which prevent the Government from complying with this request. I think the Commission will feel that these explanations throw sufficient light on the question.

4. The second complaint is with regard to the inadequacy of the Government's contribution to the cost of maintaining Jewish schools when considered in relation to the Jewish population and to that community's contribution to the Public Treasury.

This question has already been dealt with by the Commission at its seventh session. Moreover, the mandatory Power points out that the amount of the Government's contribution to the cost of Jewish schools is substantially increased in the financial estimates for the current year.

The Commission may possibly think it desirable to request the mandatory Power to mention in its next report the results obtained by this arrangement.

5. The Zionist Organisation next raises the question of the incident which occurred when the police intervened at the "Wailing Wall" on the Jewish Day of Atonement, which seems to have caused considerable anxiety to the Jews.

As regards this question, the mandatory Power shares the Zionist Organisation's opinion that a solution can only be found by agreement.

I am sure the Commission will be unanimous in hoping that such an agreement will shortly be reached.

6. Again the Zionist Organisation expresses the hope that the Jewish population, which was substantially represented in the disbanded gendarmerie, will be represented in the same proportions in the Frontier Defence Corps.

In this respect also the reply of the mandatory Power throws light on the situation, and the principle of equality of treatment for all sections of the population of Palestine and Transjordan seems to be satisfactorily recognised.

7. Moreover, the Zionist Organisation contests the statement contained in the report of the mandatory Power for 1924 concerning certain infectious diseases which, it was alleged, affected only the Jewish population.

The mandatory Power observes that the statement in question might more properly have been to the effect that the incidence of these diseases falls mainly upon the Jewish section of the population.

The Commission may wish to note this.

8. I therefore think that the Commission, having taken cognisance of the letter dated May 3rd, 1926, and the annexed memorandum from the Zionist

Organisation as well as the observations submitted on the subject by the mandatory Power, will consider that the explanations furnished by the latter are satisfactory.

IV. MEMORANDUM DATED MAY 14th, 1926, FROM THE WAAD LEUMI (NATIONAL COUNCIL) OF THE JEWS OF PALESTINE. REPORT BY M. FREIRE D'ANDRADE.

The Waad Leumi (National Council) of the Jews of Palestine has submitted to the Permanent Mandates Commission through the intermediary of the High Commissioner of Palestine a memorandum with regard to the situation of the Jewish population (Yishub) in Palestine and its present needs.23/

After a short historical retrospect, the National Council states that the mandatory Government has adopted a negative policy and a passive attitude with regard to the Jews in Palestine. If this were the case, the mandatory Power would not be fulfilling the obligations imposed upon it by the mandate. In justification of its view, the National Council quotes a paragraph from the report for 1920-25, by the High Commissioner, Sir Herbert Samuel, in which he explains why as regards the granting of land for Jewish colonisation, the education of Jews and their employment in administrative posts, it has not been possible to give complete satisfaction to the Jews.

It must be recognised that the mandatory Power has had very serious difficulties to contend with in establishing the Jewish Home in Palestine, owing to the opposition of the great majority of the Arab population, and that it has had to exercise much tact and judgment to achieve the results which have been obtained, without having recourse to violent measures which would have covered the country with blood and ruins.

[1] See Annexes to the Minutes of the Ninth Session of the Commission.

Very great progress has been made in the administration of Palestine and the wealth of the country has visibly increased. The opposition of the great majority of the population to the establishment of the Jewish Home has diminished, and it may be hoped that the prospects of an understanding which would be profitable to all concerned are now much more favourable.

The Permanent Mandates Commission, while recognising that the Jews are justified in demanding the support for which provision is made in the Palestine Mandate, is of opinion that the mandatory Power has acted wisely in not precipitating events and in endeavouring to avoid serious conflicts between the two sections of the population.

*
* *

The National Council then refers to the problems which in its opinion require the immediate attention of the mandatory Power. They are as follows:

1. *State Lands*. -- Articles 5 and 6 of the Mandate stipulate that the mandatory Power should encourage the settlement of Jewish colonists on State lands. According to the Waad Leumi, no concession of State land has been made except in one case: that of the marshes of Kabbara. It would therefore appear

that the mandatory Government is not fulfilling the duty imposed upon it by Article 6 of the Mandate.

It should, however, be pointed out that this question was raised last year and that the High Commissioner explained in his report (page 32) the reasons for the delay -- based in the main on questions of ownership.

The mandatory Government offered 10,000 dunams in the region of Beisan to the executive Committee of the Zionist organisation for the establishment of former Jewish soldiers, but this offer was rejected.

The Waad Leumi complains, however, that in the same Beisan region -- one of the richest areas in Palestine -- very large concessions of land have been made to the Arabs. This is true, but it was done in accordance with the Convention of Beisan in order to regulate the position of the former farmers of the region.

It is possible that the provisions of the Convention were not very judicious and that they have given rise to difficulties and delays. The Convention exists, however, and it is only when the situation of the former farmers has been regulated that the mandatory Power will know what land it has at its disposal for the purposes indicated in Article 6 of the Mandate and will be able to establish just and equitable conditions for the Jewish colonists.

If the Arab farmers have received larger plots than they can cultivate, it will be open to the Jewish organisations to acquire such surplus land, and the mandatory Power will certainly afford them every facility in accordance with the provisions of the Mandate. The questions connected with land are those most calculated to arouse the passions of the Arab inhabitants of Palestine, and must be treated with the utmost prudence.

The Permanent Mandates Commission is of opinion that the policy of the mandatory Power with regard to the land has been wise, and hopes that it will continue more and more to encourage the close settlement of Jews on the land.

2. *Expenditure on Education*. -- According to the Waad Leumi, the grants made to Jewish schools are not proportionate to the grants made to Arab schools or to the number of Jews in Palestine and the taxes they pay.

Although the mandatory Power has already explained, and with justice, that the grants made to the schools need not necessarily be proportionate to the numbers and taxes of any particular section of the population, it is none the less true that all the schools deserve the help of the Government to a greater or less degree in accordance with their needs and the resources of the Government.

It must be pointed out that, as the Arab population as a whole is the least advanced, from an educational point of view, it has most need of the assistance of the mandatory Power, especially as the raising of its educational level will tend to establish better relations between the two sections of the population.

In regard to the complaint of the Waad Leumi that the grants to the Jewish schools are insufficient, the Mandates Commission has been informed that they will be largely increased in the current year and hopes that this will prove

satisfactory to the petitioners.

3. *Labour.* -- Under this heading the National Council complains of the unfavourable conditions to which Jewish workers are subject. It is clear that the mandatory Power cannot give specially favourable treatment to the Jews, inasmuch as both Jews and Arabs should have the same rights and obligations.

The Commission considers that it would be helpful if the mandatory Power were to promulgate as soon as possible laws regulating the conditions of labour of men, women and children.

4. *Public Health.* -- The Jewish hospitals and other health institutions have done good service in Palestine and are quite well developed. The mandatory Government recognises this.

But, according to the Waad Leumi, the mandatory Power has refused to share in the expenditure of the Jewish health organisation.

The Jews, like the rest of the population, are entitled to all the advantages of the Government Health Services.

The Permanent Mandates Commission considers that, under the terms of the Mandate, the mandatory Power is not required to grant special subsidies to the Jewish Health Services.

5. *Industrial Development of the Country.* -- As regards the giving of official aid and protection for the development of industry, it is alleged that the regime of the mandatory Government is less liberal than the Turkish régime.

The results of the administration of the mandatory Power as shown by statistics of the economic position and public revenue do not support this allegation. The mandatory Power should, however, take into consideration certain of the desires expressed in the memorandum of the Waad Leumi and give such satisfaction as would appear both just and possible.

6. *Internal Organisation of the Yishub.* -- Article 4 of the Mandate provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine..."; consequently, it is only this agency, that is to say, the Zionist Organisation, which is entitled to give advice to the Administration in matters affecting the Jews: any other Jewish agency can approach the Government, but only the Zionist Organisation is competent to do so under the terms of Article 4.
The Waad Leumi complains that the Assephat Hanivharim (Elected Assembly), which was legally recognised by the High Commissioner in October 1920, has established a code for the regulation of the communal affairs of the Jewish population but that this code has not yet been approved by the Government, and that the Government on its side has approved an ordinance which does not take into account the needs of the Jewish population, its development and its specific functions. The proposed ordinance is based upon the principle of unification for the satisfaction of religious requirements and not on a general national organisation. This question is complicated by the religious considerations to which it gives rise -- considerations which were discussed last year by the Permanent Mandates Commission, and which are the more

deserving of attention in view of the fact that the Covenant in Article 22 stipulates that the mandatory Power must guarantee freedom of conscience in the territory which it administers on behalf of the League of Nations.

Claims have been submitted to the Permanent Mandates Commission by the Ashkenasic Community of Jerusalem and by the Agudath Israel Association.

This is a case in which the advice of the Zionist Organisation, provided for in the Mandate, should be taken into account. This Organisation declares, in a memorandum presented to the Secretary-General of the League of Nations, that efforts should, above all, be devoted to maintaining Jewish unity in Palestine, while the various groups which may exist should be allowed full and complete freedom of conscience, and the right to retain their own conception of the Jewish faith and of the practice of the Jewish religion.

As the question of the internal organisation of the Yishub is dealt with in a separate report, we would merely observe that, when the regulations under the Communities Ordinance are published it will be easier to deal with the question raised by the Waad Leumi.

7. *Public Safety.* -- The Jewish community exhibits uneasiness with regard to the manner in which the military or police forces are recruited, in particular with reference to the Decree concerning the defence of the frontier. It states that the defence corps is composed mainly of Arabs.

It should be noted, however, that, in fact, out of 475 soldiers of the Palestine section of the gendarmerie, one hundred are Jews. Moreover, the Administration makes no difference on the ground of race or religion in admitting candidates who desire to become members of the defence corps.

It would therefore appear that the complaint is without foundation.

8. *Hebrew Language.* -- According to Article 22 of the Mandate, Hebrew must be regarded as an official language. The Waad Leumi mentions certain cases in which that language has not been regarded as official.

The Commission considers that it is inevitable that in a country in which there are three official languages cases of this kind should occur.

9. *Local Government.* -- The Waad Leumi asks that an elected municipal organisation should be established at Tel-Aviv and in certain large villages which it does not specify. According to the memorandum itself, it would appear that the mandatory Government recognises the necessity for holding elections.

The Permanent Mandates Commission is convinced that it will take the necessary steps in this direction as soon as it is possible to do so.

10. *Speculation in Land.* -- The Waad Leumi also asks that a law should be enacted to prevent speculation in land.

Although such speculation may be detrimental to the object which those who are working for the establishment of a Jewish Home in Palestine have in view, the Permanent Mandates Commission recognises the difficulty of achieving the desired results by means of legislation. It would be grateful to the

mandatory Power if the latter would explain the reasons which have led to the annulment of the Ordinance for Land Transfer. (*Palestine* Official Gazette, *October* 28*th*, 1920).

11. *Rights of Citizenship*. -- In this connection, the Waad Leumi complains that the High Commissioner is empowered to withdraw the privilege of citizenship without trial and without appeal.

The Commission is of opinion that the mandatory Power has demonstrated the necessity of conferring this power upon the High Commissioner and it could only have taken this complaint into consideration if cases had been laid before it in which this power had been abused or exercised in an arbitrary manner.

12. *Liberty of Conscience*. -- Under this heading, the Waad Leumi complains in particular that Jews employed by the Administration are forced to work on the Jewish Sabbath and on Jewish Feast Days.

The Permanent Mandates Commission, in view of the terms of Article 23 of the Mandate, draws the attention of the mandatory Power to this complaint.

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* *

A point which deserves notice in the memorandum of the Waad Leumi is that it admits that the administration of the mandatory Power has brought great advantages to the country and to the Jews. Notwithstanding this, it states that the Administration does not take into account the vital needs of the Jewish population and the fundamental principles of the mandate.

The Permanent Mandates Commission does not consider that the latter statement has any sound foundation. It must be recognised that the mandatory Power has given to the inhabitants of Palestine a remarkable degree of peace and tranquillity, and that the country has developed under its administration.

The Permanent Mandates Commission hopes that the understanding which appears to be forming among the various sections of the population will develop as rapidly as possible under the auspices and with the support of the mandatory Power, since this will promote the rapid development and progress of the country.

/...

OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION ON THE PETITIONS CONSIDERED IN THE COURSE OF ITS NINTH SESSION.

In the course of its ninth session, the Commission examined five petitions and the observations made by the mandatory Powers concerning them. A report on each petition was prepared by a member of the Commission. After discussion and amendment, the conclusions of these reports were adopted by the Commission. The reports are printed in an annex to the present document.

ANNEX

REPORTS ON PETITIONS.

A. Palestine.

I. PETITIONS FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS, DATED APRIL 12th, 1925, AND MAY 9th, 1926.

(a) REPORT BY M. L. PALACIOS.

Geneva, June 19th, 1926.

The Chairman of the Mandates Commission on March 31st last requested me to continue to act as Rapporteur to the Commission in the matter of the petition from the Executive Committee of the Arab Congress.15/ The Commission, after protracted discussions, resolved in October 1925 on M. Rappard's proposal, to *postpone* any final decision on this matter.16/

The reasons in favour of this course were:

> (1) The Commission doubted whether it could make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents; and
>
> (2) It had been informed that further petitions would shortly be submitted to it by the same persons (Minutes of the Seventh Session, page 136).

Since then the Commission has received no new information, nor has it in fact received further petitions.

It has not even received the documents which the Representative of the mandatory Power promised to send it on the Rutenberg concessions, one of the questions which had given rise to controversies (Minutes, page 121). In the report on Palestine and Transjordan, however, which was received a few days ago, certified balance-sheets are submitted in respect of the *Jaffa Electric Company, Limited,* and the *Palestine Salt Company, Limited* (pages 84 to 89).

The Commission has, in fact, received no new petitions, as the petition sent to the Chairman of the Commission on May 9th last,17/ signed by the Secretary of the Executive Committee, Jamaal Husseini, and accompanied by the British Government's observations thereon, dated June 10th, which reached me only to-day merely lays stress:

> *(a)* On the suggestion previously made to the Commission that it proceed to Palestine to study the points mentioned in the petitions of 1924 and 1925 and the questions concerning Jewish immigration.
>
> *(b)* On the failure to apply the provisions of Article 22 of the Covenant and Article 3 of the Mandate, which provide for representative government and local autonomy.

The brief enumeration of these points will enable the Commission, which knows the former documents, to realise that the present petition is not a fresh one, but merely a more urgent reiteration of the previous one.

In the most recent petition, for the first time, the Executive Committee of

the Arab Congress does not take up an attitude of radical and total opposition to the Mandate, but merely complains of the alleged non-application of part of that Mandate. This is a point of importance and should be appreciated, for, from the point of view of one who wishes to see the Mandate strictly observed, I consider it a definite step forward.

On the other hand, the British Government's observations only concern what it considers the main point dealt with in the petition, that is to say, the fact that local autonomy has not been developed in the mandated territory.

Therefore, in so far as the Commission is concerned, the situation has not changed since last year. In respect to this question, our discussions, our agreements, our differences of opinion and our decisions would perhaps not differ greatly from those already recorded in the previous minutes and resolutions.

Meanwhile, however, a further development of fundamental importance in this question has occurred. I refer to a resolution adopted by the Council of the League of Nations which appears to embody a guiding principle applicable to this matter and which may compel us to adopt a new method. This resolution is to be found in M. Unden's report adopted by the Council on December 9th, 1925. It contains the following passage concerning the Commission's resolve to postpone its final decision on the Arab petition: "In a matter of this kind, as in many others, the Commission is always acting *under certain limitations.* This is recognised by the Council which . . . would under the circumstances described only ask the Commission to give a statement of the best judgment it could *form from the information placed at its disposal."*18/ According to this resolution, any recourse to means of information on this and similar questions other than those already placed at our disposal would appear to be excluded; in these circumstances we may have to examine afresh -- in the light of the various explanations which may be submitted to us during the present session -- the second part of the petition, that is to say, the allegations of the Executive Committee of the Arab Congress and the British Government's observations thereon. Both are to be found on pages 164-180 of the Minutes of the Seventh Session of the Mandates Commission and in the more recent documents, dated May 9th and June 10th of this year, already referred to.

As Rapporteur I shall merely recapitulate the allegations in question and submit to the Commission such observations as seem appropriate.

1. *Rutenberg Concessions*. -- The Arabs object to three distinct concessions: the Jordan concession, the Haifa project and the Auja concession at Jaffa. They hold that, in view of the vital interests involved, these concessions should have been advertised according to rule, in order that the population of the country might be aware of the facts. Furthermore, they consider that all of these concessions should have been granted by the authorities in accordance with the regular administrative procedure, and that the financial conditions which govern such concessions should have been fulfilled in any case.

The mandatory Power has taken the arguments advanced against the three concessions together, in order to reply to them at the same time. It has summarised them, it is hardly necessary to say, in a strictly objective manner. It further gives the formal assurance that the financial conditions

governing the concessions have been fulfilled. The preliminary advertising of these different concessions does not, however, appear to have been very extensive. The mandatory Power states that there was no representative body which could have been consulted in a matter of this kind, nor any local authority which would have been competent to grant the concessions. In this respect its statements do not differ materially from those of the Arabs. In fact, the technical and financial importance of enterprises of this kind and, in particular, the undoubted advantages of every description accruing to the country therefrom may justify -- within certain limits imposed by respect for public opinion -- the retention by the Central Government of the control which is indispensable.

2. *The Salt Concession*. -- The Executive Committee points out that the Government loses 55 piastres per ton of salt and that the population has to pay a high price for salt because, in the beginning, a Jewish concession was granted without being put up for public tender and that later an Arab tender, said to be more favourable, was refused. The mandatory Power does not deny having granted the concession, which is to terminate in 1926. It does not mention whether the concession was publicly advertised. The price for the Palestine Government was not to exceed the wholesale price in Egypt by more than 65 piastres per ton, representing the cost of transport. The statements submitted by both parties concerning consignments of salt of poor quality are not very clear.

3. *Kabbara Concession*. -- The statements of both parties are very contradictory and somewhat confused. The Arabs allege that the land leased, or at least a part of it, did not belong to the State, that the Barat Cæsarea property could not be disposed of, that no agreement had been arrived at with the 75 families concerned, although these families are in difficult circumstances, and that there could be no question of undertaking to reclaim and develop a malarial area in a district consisting of sand-dunes and mountainous and rocky country. The mandatory Power, on the other hand, states that measures had been taken to exclude from the area leased to the Jewish Association all lands to which a right of ownership by the Arab settlers was recognised, that suitable agreements had been reached with the other persons concerned, that the Government insists that this work of reclaiming and settlement, which is a heavy burden on the Association, should be carried out in the general public interest.

4. *Elections and Representative Bodies*. -- The allegations contained in the 1925 petition are corroborated by those made in the petition of May 9th. 1926, concerning the absence of self-government in the central and local administrative bodies.

In its observations, the British Government stated last year that the great majority of elected councillors (23 out of 25) represented Arab villages and that, since the promulgation of the Order in Council of July 1925 on Palestine nationality, the transformation of the municipalities of the larger towns has been under consideration. The British Government, in its communication of June 10th, recalls the fruitless efforts made by the mandatory Power to form central representative bodies which were to have a share in the government and refers to pages 44 to 47 in Sir Herbert Samuel's Report on the Administration of Palestine from 1920 to 1925.

5. *Drainage System and Cemeteries*. -- The Executive Committee draws attention

to the loss caused to the Arab population, and the violence done to their beliefs, by the drainage system and by the closing of the Mamilla cemetery, both of which measures are for the benefit of the Jewish quarters. The Administration states that the sewerage construction work has been suspended because of lack of funds, and that reasons of public health have led to the prohibition of further burials in a spot which, owing to the increase of the population, is already surrounded by buildings.

6. *Inquisitorial Proceedings of the Police*. -- In reply to the Arab Committee's allegations, the mandatory Power states that these charges are for the most part merely the results of political agitation, that the persons prosecuted were ordinary criminals, and that in one or two cases only has impartial investigation confirmed the alleged facts. It is pointed out that the prisons of Palestine are not unsanitary, and that conditions in them are not bad. The mandatory Power has, moreover, stated that most of the proposals of a special Committee appointed to consider the treatment of prisoners for debt have now been put into effect.

7. *Legislation.* -- The different points referred to by the petitioners as contrary to the Sharia have been refuted or explained by the mandatory Power. In any event, there should be no difficulty in arriving at peaceful solutions by means of the work of consolidation and reform which the Government has begun. It is to be hoped that those interested will come to an understanding with a view to formulating in a practical shape just and equitable proposals on these complicated questions.

8. *Jewish Immigration*. -- After referring to certain instances, the Arab Executive Committee asserts that the Permanent Mandates Commission's observations on the immigration policy in Palestine have not had the slightest effect. The mandatory Power gives satisfactory explanations concerning the instances mentioned.

9. *Flags, National Hymn, and Name of the Country*. -- The mandatory Power replies fully to the Arab allegations. It states that there is no objection to members of Arab political organisations displaying any colours they please. The Jewish hymn is not officially recognised; the British Government does not deny the truth of the Arab Executive Committee's allegations, but explains the difference in ceremonial procedure by the fact that there is no hymn as much respected among the Arab population as the Jewish hymn is in the Jewish communities. The use of the initials of Hebrew words in the national title is a compromise based on existing custom and approved by the Government.

It is only necessary to read this résumé to understand the reservations made last year by the Commission and to appreciate how difficult it is from a distance to form an opinion with any great confidence on such complicated questions.

Most of these questions have already been considered in previous years when the reports were examined in the presence of the accredited Representative of the mandatory Power, and some or all of them may and should again be taken up at this session when the 1925 report is discussed.

I propose therefore that the Commission should again hear the accredited Representative of the mandatory Power before coming to any definite

conclusions.

(b) CONCLUSIONS SUBMITTED BY M. PALACIOS AND ADOPTED BY THE PERMANENT MANDATES COMMISSION ON JUNE 25th, 1926.

In accordance with the report of M. Unden, which was adopted by the Council of the League of Nations on December 9th, 1925, the Permanent Mandates Commission has continued the examination of petitions submitted in 1925, and on May 9th, 1926, by the Executive Committee of the Palestine Arab Congress, and it has endeavoured "to give a statement of the best judgment it could form from the information placed at its disposal".

After having, at its present session, heard the explanations of the accredited Representative of the mandatory Power, the Commission considers that it is able to submit to the Council the following conclusions regarding the various allegations contained in these petitions.

(*a*) The Commission hopes to receive from the mandatory Power the promised documents with regard to the *Rutenberg concessions*. Nevertheless, it agrees with the mandatory Power in considering that the technical and financial importance of enterprises of this type, and particularly the undoubted advantages of all kinds which they involve for all classes of the population, justify the Central Authority in reserving to itself full liberty of action. It is, however, desirable that concessions of this kind should be given the fullest publicity, and that sufficient time should be allowed and such definite rules be applied as to avoid adverse criticism.

b) As regards the *salt concessions*, the Commission takes note of the new general regulations which have been issued and of the mandatory Power's intention of observing the strictest equality between those interested as soon as the present concession has expired.

(*c*) The Commission notes with satisfaction the accredited Representative's explanation regarding the arrangements made and the progress achieved in the matter of the *Kabbara concession*.

(*d*) As regards the complaints of the petitioners in the matter of *elections, the representative bodies and local autonomy*, the Commission was glad to note the accredited Representative's statement to the effect that the Arab section of the population is gradually abandoning its attitude of non-co-operation with the Mandatory Power. It should, in consequence, become increasingly easy to find suitable persons to take part in the work of the representative bodies.

(*e*) The Commission has noted that the complaints concerning the alleged *inquisitorial methods of the police and the prison system* have now ceased to have any foundation.

f) The Commission considers that *the reform of the civil and penal legislation* is fully justified in the interests of the population and that it is being carried out with all possible regard for the principles of the Sharia.

(*g*) While renewing the recommendations already made on the subject of *Jewish immigration*, the Commission takes note of the accredited Representative's

explanations. It hopes that immigration will continue to be in proportion to the country's power of absorption on the land.

II. MEMORANDUM FROM THE AGUDATH ISRAEL DATED OCTOBER 11th, 1925. REPORT BY Mrs. A. WICKSELL.

The paper of the Agudath Israel presented to the Chairman and members of the Permanent Mandates Commission date October 11th, 1925,19/ is not a petition in the proper sense of the word. It is a memorandum in support of a petition sent by the Jewish Ashkenasic community of Palestine, the Waad Ha'ir Ashkenazi,20/ upon which the Commission pronounced in the report on its seventh session.

The Agudath Israel was formed to counterbalance Sionism and to group in a universal organisation all Jews attached to their religious tradition against an organisation with a tendency to include all Jews in a purely political organisation. It holds that the community of orthodox Jews in Palestine, the Waad Ha'ir Ashkenazi, has lost its freedom of conscience and its right of worship through being obliged to remain incorporated in the National Council, Waad Leumi, in which political and religious attributions are indissolubly bound together and where consequently the religious principle might be subordinated to factors exclusively political. It endorses the complaints of the Waad Ha'ir Ashkenazi, both as regards the actual position of the orthodox group in its relations to the existing Waad Leumi and as regards the draft law on the formation of a Jewish community. With reference to the actual position, it asserts that, before the constitution of the Waad Leumi, the Waad Ha'ir Ashkenazi, was in uncontested possession of the liberties of which it was later deprived, and, with regard to the creation of a universal Palestinian Jewish community, it claims the right for the Waad Ha'ir Ashkenazi to form an absolutely independent religious community.

The mandatory Government has commented on the memorial of the Agudath Israel.19/ According to the information there given and to the statement of the interested congregation itself, the section of the Waad Ha'ir Ashkenazi may be regarded as numbering not more than about 6,000 persons, while the total Jewish population of Palestine is about 140,000.

Under the Ottoman regime, neither the Waad Ha'ir Ashkenazi nor any other group of Ashkenasic Jews were officially recognised. It was, however, registered as a society under the Ottoman Law of Associations, and under the British military administration it received, and in fact continues to receive, undefined recognition as such. It had under the Ottoman regime no religious tribunal of its own, and as, under the Palestine Order in Council, Article 51, only those courts of the religious communities which were established and exercised jurisdiction could be recognised, no separate religious tribunal of this section was recognised by the civil government.

After the establishment of the civil government, the Jewish population of Palestine, in 1921, proceeded to organise itself both in religious and lay matters. It created a Rabbinical Council consisting of one Sephardic and one Ashkenazic Chief Rabbi and three Rabbis of each section. It also constituted an elected Assembly, chosen by secret ballot by the votes of adult Jews. This Assembly appoints an Executive Committee known as the Waad Leumi, and this Committee has been officially recognised as the spokesman of the Jewish population. In addition to this central Council there is a local Committee in

each town, the Waad Ha'ir, which is officially recognised by the local administration.

The Waad Ha'ir Ashkenazi took no part in the election of these different bodies, but applied to the Palestine Government for official recognition as a separate community. Another still smaller group acted in the same way and to both the answer was given that there would be no interference with their existence as separate congregations, but that they could not be recognised as separate communities or given any official communal status. The mandatory Power maintains that there has been no deprivation of rights or privileges previously enjoyed by the Ashkenazic Waad, but only a refusal to grant a new right, namely, the right to be constituted as a separate community with all its attendant powers and attributes, and the mandatory Power is of opinion that the denial of this right involved no interference with freedom of conscience and of worship. According to the mandatory Power, there has been no compulsion hitherto to make the Waad Ha'ir Ashkenazi subservient to the Waad Leumi, and it is not intended that any regulations which may hereafter be framed for the organisation of the Jewish community in Palestine should make it compulsory for any individual or congregation to come under the control of the Waad Leumi.

The position at the time when the mandatory Power made its observations was that an ordinance was shortly to be published dealing with the organisation of religious communities in general, and that regulations to be issued under that ordinance for the organisation of the Jewish community were still under consideration by the Government of Palestine and the Government of the mandatory Power. It is the intention of the mandatory Power to proceed in this matter with the utmost caution.

On February 15th, the Religious Communities Ordinance 1926 was published in the Official Gazette, and on April 16th it was duly promulgated and came into force.

According to this Ordinance, the initiative is left to the community itself to organise a religious community with autonomy for internal affairs. Separate regulations will be made in each case, suited to the special circumstances and organisation of the community concerned. These separate regulations may provide for the constitution of religious and cultural councils or boards possessing legal personality. They may also bestow upon these councils or boards powers to impose upon members of the community contributions or fees for communal purposes, recoverable in the same way as municipal taxes or fees.

It is not stated what other rights or powers are incorporated in the expression "autonomy for internal affairs". Presumably these rights will differ for the different communities and can only be ascertained when the separate regulations are issued. Nor is any definition given of what will be considered a religious community. Beside the Mohammedan and the Jewish religion, the third important religious element in Palestine is the Christian. If that element should want to be constituted as a separate religious community, must it then form one common organisation, or will the Greek orthodox, the Roman Catholic and the Protestant sections be permitted to organise separately? This question is absolutely analogous to that raised by the Waad Ha'ir Ashkenazi and the Agudath Israel and presumably must be solved in the same way.

It is the duty of the mandatory Power and of the Permanent Mandates Commission to ensure to all inhabitants of Palestine complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It is evident that this is a difficult task where the religious life of a section of the population seems to permeate everything, including what we are accustomed to consider as purely political or municipal functions. The little Ashkenazic congregation in question protests against the mere fact of being incorporated into an organisation where women vote and where such public certificates as they may need are issued by authorities not belonging to their own special sect.

According to the memorandum of the Agudath Israel, there are orthodox Jews in all civilised countries. There they certainly live under the national legislation of those countries, and if they can live, say, in England, subject to English courts and regulations, without being wounded in their religious feelings, it is difficult to see why they should not be able to live within a common Jewish community in Palestine. They will certainly enjoy in Palestine the same liberty which is granted to them in England and makes it possible for them to live there.

It is, however, impossible for the Permanent Mandates Commission to judge whether the Waad Ha'ir Ashkenazi and the Agudath Israel are justified in their complaints until the separate regulations for the Jewish community have been promulgated and put before it. As yet we do not know what powers, under these regulations, will be given to the central and municipal authorities of the different religious communities, to what extent, if any, they will be allowed to legislate for themselves and so on. In matters of family law, for example, there is a great difference between the very orthodox Jews and the more progressive element, and if legislative powers in such matters are given to the community, the very orthodox section certainly may claim at least as much liberty to regulate their own family life in Palestine as is accorded to them in England.

Under the very peculiar circumstances which prevail in Palestine, it may be necessary to take such an unusual and perhaps even dangerous measure as that of creating special religious states within the State. But the problem will be extraordinarily difficult both with the Jewish community and with the Christian community, which is split up into a still larger number of sects than the Jews. It will require much wisdom, much patience and much willingness to acknowledge mistakes, qualities that are rarer still in a state than in individuals.

As the text of the separate regulations for the Jewish community has not been promulgated, no exact conclusion can be reached regarding the case of the Waad Ha'ir Ashkenazi as presented in the memorandum of the Agudath Israel. The Permanent Mandates Commission takes note of this memorandum, and of the observations thereon of the mandatory Power and will bear them in mind when the proposed regulations have been put into force and placed before it.

III. LETTER DATED MAY 3RD, 1926, AND MEMORANDUM FROM THE ZIONIST ORGANISATION.
REPORT BY M. C. YAMANAKA.

1. The Secretary-General of the League of Nations has received through the

mandatory Power a memorandum from the Zionist Organisation, with a covering letter to the High Commissioner for Palestine, dated May 3rd, 1926.21/

The mandatory Power has also sent to the Secretary-General its observations dated June 10th, 1926, on these documents.21/

2. The memorandum from the Zionist Organisation gives interesting information regarding the work of this organisation in its capacity as the Jewish agency for the development of the Jewish national home in Palestine during the year 1925-26. It refers to the situation of the Jews in Palestine as regards immigration, agricultural colonisation, the development of the towns, industry, hygiene and public health services, education and finance. It also contains information regarding the Jewish community in Palestine, and the relations between the Zionist Organisation and the Jewish Agency for Palestine. The memorandum is therefore of a purely documentary nature, and I do not think it calls or any comments.

In the covering letter, however, four complaints are made regarding:

(*a*) The allotment of land; (*b*) education; (*c*) the incident at the "Wailing Wall";

(*d*) the formation of a Frontier Defence Corps.

3. As regards the question of making State and waste lands available for colonisation, the letter refers to two sets of facts:

(A) The Zionist Organisation repeats the request it made last year that the Government should allocate State and waste lands to the Jewish colonists for intensive settlement.

In this connection, the mandatory Power observes that the Government recently offered a certain tract of State land in the Beisan region to the Zionist Executive Committee. The land, however, was refused as being unsuitable for the purpose in view. The mandatory Power also explains that it will not be possible to ascertain what State lands will be available for Jewish colonisation until the allotment of these areas to the native inhabitants who have title to them has been completed.

I consider that these explanations on the part of the mandatory Power are adequate.

(B) The Zionist Organisation claims preferential treatment and priority in respect of the acquisition, by voluntary transfer on the part of cultivators, of State land on which purchase-annuities remain due.

In this connection, the mandatory Power gives very detailed explanations, clearly showing the reasons which prevent the Government from complying with this request. I think the Commission will feel that these explanations throw sufficient light on the question.

4. The second complaint is with regard to the inadequacy of the Government's contribution to the cost of maintaining Jewish schools when considered in relation to the Jewish population and to that community's contribution to the Public Treasury.

This question has already been dealt with by the Commission at its seventh session, Moreover, the mandatory Power points out that the amount of the Government's contribution to the cost of Jewish schools is substantially increased in the financial estimates for the current year.

The Commission may possibly think it desirable to request the mandatory Power to mention in its next report the results obtained by this arrangement.

5. The Zionist Organisation next raises the question of the incident which occurred when the police intervened at the "Wailing Wall" on the Jewish Day of Atonement, which seems to have caused considerable anxiety to the Jews.

As regards this question, the mandatory Power shares the Zionist Organisation's opinion that a solution can only be found by agreement.

I am sure the Commission will be unanimous in hoping that such an agreement will shortly be reached.

6. Again the Zionist Organisation expresses the hope that the Jewish population, which was substantially represented in the disbanded gendarmerie, will be represented in the same proportions in the Frontier Defence Corps.

In this respect also the reply of the mandatory Power throws light on the situation, and the principle of equality of treatment for all sections of the population of Palestine and Transjordan seems to be satisfactorily recognised.

7. Moreover, the Zionist Organisation contests the statement contained in the report of the mandatory Power for 1924 concerning certain infectious diseases which, it was alleged, affected only the Jewish population.

The mandatory Power observes that the statement in question might more properly have been to the effect that the incidence of these diseases falls *mainly* upon the Jewish section of the population.

The Commission may wish to note this.

8. I therefore think that the Commission, having taken cognisance of the letter dated May 3rd, 1926, and the annexed memorandum from the Zionist Organisation as well as the observations submitted on the subject by the mandatory Power, will consider that the explanations furnished by the latter are satisfactory.

IV. MEMORANDUM DATED MAY 14th, 1926, FROM THE WAAD LEUMI (NATIONAL COUNCIL) OF THE JEWS OF PALESTINE. REPORT BY M. FREIRE D'ANDRADE.

The Waad Leumi (National Council) of the Jews of Palestine has submitted to the Permanent Mandates Commission through the intermediary of the High Commissioner of Palestine a memorandum with regard to the situation of the Jewish population (Yishub) in Palestine and its present needs.22/

After a short historical retrospect, the National Council states that the

mandatory Government has adopted a negative policy and a passive attitude with regard to the Jews in Palestine. If this were the case, the mandatory Power would not be fulfilling the obligations imposed upon it by the mandate. In justification of its view, the National Council quotes a paragraph from the report for 1920-25, by the High Commissioner, Sir Herbert Samuel, in which he explains why as regards the granting of land for Jewish colonisation, the education of Jews and their employment in administrative posts, it has not been possible to give complete satisfaction to the Jews.

It must be recognised that the mandatory Power has had very serious difficulties to contend with in establishing the Jewish Home in Palestine, owing to the opposition of the great majority of the Arab population, and that it has had to exercise much tact and judgment to achieve the results which have been obtained, without having recourse to violent measures which would have covered the country with blood and ruins.

Very great progress has been made in the administration of Palestine and the wealth of the country has visibly increased. The opposition of the great majority of the population to the establishment of the Jewish Home has diminished, and it may be hoped that the prospects of an understanding which would be profitable to all concerned are now much more favourable.

The Permanent Mandates Commission, while recognising that the Jews are justified in demanding the support for which provision is made in the Palestine Mandate, is of opinion that the mandatory Power has acted wisely in not precipitating events and in endeavouring to avoid serious conflicts between the two sections of the population.

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The National Council then refers to the problems which in its opinion require the immediate attention of the mandatory Power. They are as follows:

1. *State Lands*. -- Articles 5 and 6 of the Mandate stipulate that the mandatory Power should encourage the settlement of Jewish colonists on State lands. According to the Waad Leumi, no concession of State land has been made except in one case: that of the marshes of Kabbara. It would therefore appear that the mandatory Government is not fulfilling the duty imposed upon it by Article 6 of the Mandate.

It should, however, be pointed out that this question was raised last year and that the High Commissioner explained in his report (page 32) the reasons for the delay -- based in the main on questions of ownership.

The mandatory Government offered 10,000 dunams in the region of Beisan to the executive Committee of the Zionist organisation for the establishment of former Jewish soldiers, but this offer was rejected.

The Waad Leumi complains, however, that in the same Beisan region -- one of the richest areas in Palestine -- very large concessions of land have been made to the Arabs. This is true, but it was done in accordance with the Convention of Beisan in order to regulate the position of the former farmers of the region.

It is possible that the provisions of the Convention were not very judicious

and that they have given rise to difficulties and delays. The Convention exists, however, and it is only when the situation of the former farmers has been regulated that the mandatory Power will know what land it has at its disposal for the purposes indicated in Article 6 of the Mandate and will be able to establish just and equitable conditions for the Jewish colonists.

If the Arab farmers have received larger plots than they can cultivate, it will be open to the Jewish organisations to acquire such surplus land, and the mandatory Power will certainly afford them every facility in accordance with the provisions of the Mandate.

The questions connected with land are those most calculated to arouse the passions of the Arab inhabitants of Palestine, and must be treated with the utmost prudence.

The Permanent Mandates Commission is of opinion that the policy of the mandatory Power with regard to the land has been wise, and hopes that it will continue more and more to encourage the close settlement of Jews on the land.

2. *Expenditure on Education*. -- According to the Waad Leumi, the grants made to Jewish schools are not proportionate to the grants made to Arab schools or to the number of Jews in Palestine and the taxes they pay.

Although the mandatory Power has already explained, and with justice, that the grants made to the schools need not necessarily be proportionate to the numbers and taxes of any particular section of the population, it is none the less true that all the schools deserve the help of the Government to a greater or less degree in accordance with their needs and the resources of the Government.

It must be pointed out that, as the Arab population as a whole is the least advanced, from an educational point of view, it has most need of the assistance of the mandatory Power, especially as the raising of its educational level will tend to establish better relations between the two sections of the population.

In regard to the complaint of the Waad Leumi that the grants to the Jewish schools are insufficient, the Mandates Commission has been informed that they will be largely increased in the current year and hopes that this will prove satisfactory to the petitioners.

3. *Labour*. -- Under this heading the National Council complains of the unfavourable conditions to which Jewish workers are subject. It is clear that the mandatory Power cannot give specially favourable treatment to the Jews, inasmuch as both Jews and Arabs should have the same rights and obligations.

The Commission considers that it would be helpful if the mandatory Power were to promulgate as soon as possible laws regulating the conditions of labour of men, women and children.

4. *Public Health*. -- The Jewish hospitals and other health institutions have done good service in Palestine and are quite well developed. The mandatory Government recognises this.

But, according to the Waad Leumi, the mandatory Power has refused to share in

the expenditure of the Jewish health organisation.

The Jews, like the rest of the population, are entitled to all the advantages of the Government Health Services.

The Permanent Mandates Commission considers that, under the terms of the Mandate, the mandatory Power is not required to grant special subsidies to the Jewish Health Services.

5. *Industrial Development of the Country.* -- As regards the giving of official aid and protection for the development of industry, it is alleged that the régime of the mandatory Government is less liberal than the Turkish régime.

The results of the administration of the mandatory Power as shown by statistics of the economic position and public revenue do not support this allegation. The mandatory Power should, however, take into consideration certain of the desires expressed in the memorandum of the Waad Leumi and give such satisfaction as would appear both just and possible.

6. *Internal Organisation of the Yishub.* -- Article 4 of the Mandate provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine..."; consequently, it is only this agency, that is to say, the Zionist Organisation, which is entitled to give advice to the Administration in matters affecting the Jews: any other Jewish agency can approach the Government, but only the Zionist Organisation is competent to do so under the terms of Article 4.

The Waad Leumi complains that the Assephat Hanivharim (Elected Assembly), which was legally recognised by the High Commissioner in October 1920, has established a code for the regulation of the communal affairs of the Jewish population but that this code has not yet been approved by the Government, and that the Government on its side has approved an ordinance which does not take into account the needs of the Jewish population, its development and its specific functions. The proposed ordinance is based upon the principle of unification for the satisfaction of religious requirements and not on a general national organisation. This question is complicated by the religious considerations to which it gives rise -- considerations which were discussed last year by the Permanent Mandates Commission, and which are the more deserving of attention in view of the fact that the Covenant in Article 22 stipulates that the mandatory Power must guarantee freedom of conscience in the territory which it administers on behalf of the League of Nations.

Claims have been submitted to the Permanent Mandates Commission by the Ashkenasic Community of Jerusalem and by the Agudath Israel Association.

This is a case in which the advice of the Zionist Organisation, provided for in the Mandate, should be taken into account. This Organisation declares, in a memorandum presented to the Secretary-General of the League of Nations, that efforts should, above all, be devoted to maintaining Jewish unity in Palestine, while the various groups which may exist should be allowed full and complete freedom of conscience, and the right to retain their own conception of the Jewish faith and of the practice of the Jewish religion.

As the question of the internal organisation of the Yishub is dealt with in a separate report, we would merely observe that, when the regulations under the Communities Ordinance are published it will be easier to deal with the question raised by the Waad Leumi.

7. *Public Safety.* -- The Jewish community exhibits uneasiness with regard to the manner in which the military or police forces are recruited, in particular with reference to the Decree concerning the defence of the frontier. It states that the defence corps is composed mainly of Arabs.

It should be noted, however, that, in fact, out of 475 soldiers of the Palestine section of the gendarmerie, one hundred are Jews. Moreover, the Administration makes no difference on the ground of race or religion in admitting candidates who desire to become members of the defence corps.

It would therefore appear that the complaint is without foundation.

8. *Hebrew Language.* -- According to Article 22 of the Mandate, Hebrew must be regarded as an official language. The Waad Leumi mentions certain cases in which that language has not been regarded as official.

The Commission considers that it is inevitable that in a country in which there are three official languages cases of this kind should occur.

9. *Local Government.* -- The Waad Leumi asks that an elected municipal organisation should be established at Tel-Aviv and in certain large villages which it does not specify. According to the memorandum itself, it would appear that the mandatory Government recognises the necessity for holding elections.

The Permanent Mandates Commission is convinced that it will take the necessary steps in this direction as soon as it is possible to do so.

10. *Speculation in Land.* -- The Waad Leumi also asks that a law should be enacted to prevent speculation in land.

Although such speculation may be detrimental to the object which those who are working for the establishment of a Jewish Home in Palestine have in view, the Permanent Mandates Commission recognises the difficulty of achieving the desired results by means of legislation. It would be grateful to the mandatory Power if the latter would explain the reasons which have led to the annulment of the Ordinance for Land Transfer. (P*alestine* Official Gazette, *October* 28*th*, 1920).

11. *Rights of Citizenship.* -- In this connection, the Waad Leumi complains that the High Commissioner is empowered to withdraw the privilege of citizenship without trial and without appeal.

The Commission is of opinion that the mandatory Power has demonstrated the necessity of conferring this power upon the High Commissioner and it could only have taken this complaint into consideration if cases had been laid before it in which this power had been abused or exercised in an arbitrary manner.

12. *Liberty of Conscience.* -- Under this heading, the Waad Leumi complains in

particular that Jews employed by the Administration are forced to work on the Jewish Sabbath and on Jewish Feast Days.

The Permanent Mandates Commission, in view of the terms of Article 23 of the Mandate, draws the attention of the mandatory Power to this complaint.

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A point which deserves notice in the memorandum of the Waad Leumi is that it admits that the administration of the mandatory Power has brought great advantages to the country and to the Jews. Notwithstanding this, it states that the Administration does not take into account the vital needs of the Jewish population and the fundamental principles of the mandate.

The Permanent Mandates Commission does not consider that the latter statement has any sound foundation. It must be recognised that the mandatory Power has given to the inhabitants of Palestine a remarkable degree of peace and tranquillity, and that the country has developed under its administration.

The Permanent Mandates Commission hopes that the understanding which appears to be forming among the various sections of the population will develop as rapidly as possible under the auspices and with the support of the mandatory Power, since this will promote the rapid development and progress of the country.

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Notes

1/ The French and English texts of this letter were provided by the Executive of the Zionist Organisation.

2/ *Note by the Secretariat.* -- This memorandum, which has been printed in English, French and Hebrew by the Zionist Organisation, is not reproduced here.

3/ *Note by the Secretariat of the League of Nations*. -- The observations of the British Government on this petition are given in Annex 6a.

4/ The French and English texts of this memorandum were provided by the National Council of the Jews in Palestine.

5/ *Note by the Secretariat*. -- The appendices to the original petition are not reproduced.

6/ The term "Yishub" used here and hereafter is a Hebrew word which to the modern Jew connotes the general qualities appertaining to an organised national group settled in a land. It is more comprehensive than each of the terms "population", "colony", "settlement" or "community".

7/ See Annex 7.

8/ See page 219, Minutes of Seventh Session of the Commission.

9/ See Annexes to the Minutes of the Ninth Session.

10/ The italics are mine. (P.)

11/ See Annexes to Minutes of the Ninth Session of the Commission.

12/ See Minutes of the Seventh Session of the Commission, pages 181-183, 218 and 219.

13/ See Annexes to Minutes of the Ninth Session of the Commission.

14/ See Annexes to the Minutes of the Ninth Session of the Commission.

15/ See Annex 7 to the Minutes of Seventh Session of the Commission.

16/ See page 219, Minutes of Seventh Session of the Commission.

17/ See Annexes to the Minutes of the Ninth Session.

18/ The italics are mine. (P.)

19/ See Annexes to Minutes of the Ninth Session of the Commission.

20/ See Minutes of the Seventh Session of the Commission, pages 181-183, 218 and 219.

21/ See Annexes to the Minutes of the Ninth Session of the Commission.

22/ See Annexes to the Minutes of the Ninth Session of the Commission.

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